



India

Country Reports on Human Rights Practices - [2001](#)

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India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) leads a multi-party coalition, took office in October 1999 and heads the Government. President K.R. Narayanan, who was elected by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central Government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers of the state-organized police forces. The armed forces are under civilian control. Security forces committed numerous significant human rights abuses, particularly in Jammu and Kashmir and in the northeastern states.

The country is in transition from a government-controlled economy to one that largely is market oriented. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industry. Economic liberalization and structural reforms begun in 1991 continue, although momentum has slowed. The country's economic problems are compounded by population growth of 1.7 percent annually with a population of more than 1 billion. Income distribution remained very unequal, with the top 20 percent of the population receiving 39.3 percent of national income and the bottom 20 percent receiving 9.2 percent. Twenty percent of the urban population and 30 percent of the rural population live below the poverty level. Per Capita the gross national product (GNP) per capita was \$480.

The Government generally respected the human rights of its citizens in some areas; however, numerous serious problems remain in many significant areas. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; female bondage and forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous peoples and scheduled castes and tribes; widespread intercaste and communal violence; religiously-motivated violence against Christians and Muslims; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. In the northeast there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces, and between some tribal groups.

The concerted campaign of execution-style killings of civilians by Kashmiri militant groups, begun in 1998, continued, and included several killings of political leaders and party workers. Separatist militants were

responsible for numerous, serious abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states.

Violence in Jammu and Kashmir continued to be a problem. The Government extended a cease fire in Jammu and Kashmir, begun in November 2000, until May. However, the Government ended the ceasefire in May due to the All-Parties Hurriyat Conference's (APHC) insistence on being allowed to visit Pakistan and the continued killings by militants in Jammu and Kashmir. In July Prime Minister Vajpayee and President Musharraf of Pakistan met in an effort to restart the peace process. The summit ended with no tangible progress. Talks on the peace process ended in October when terrorists bombed the Jammu and Kashmir state assembly and killed 38 persons. The terrorist violence continued on December 13, when 6 armed gunmen entered the National Parliament in New Delhi and killed 12 persons. The Government has accused the terrorist groups Lashkar-e-Tayyiba (LET) and Jaish-e-Muhammad as the groups responsible of carrying out the attack on Parliament. In December a total of 22 persons were killed and 45 persons were wounded in Jammu and Kashmir, including 3 members of the LET and 3 Indian troops who were killed in a firefight.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Arbitrary and unlawful deprivations of life by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the state of Jammu and Kashmir and in several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants. Extrajudicial killings of criminals and suspected criminals by police or prison officers also occurred in a number of states; in Uttar Pradesh, a state without an active insurgency movement, there were more than 150 deaths in police encounters in 2000. Militant groups active in Jammu and Kashmir, several northeast states, and parts of Andhra Pradesh, killed members of rival factions, government security forces, government officials, and civilians.

Official government figures indicate that militant activity increased notably during the year as security forces had killed 597 militants in encounters in Jammu and Kashmir as of September, compared with 1,520 militants killed during the same time period in 2000 (Kashmir has been at the center of a territorial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir). According to the Kashmir Times, security forces killed 1,239 militants in encounters in Jammu and Kashmir during the year. Kashmiri separatist groups maintain that many such "encounters" are faked, and that suspected militants offering no resistance are executed summarily by security forces. Statements by senior police and army officials confirm that the security forces are under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups allege that this particularly is true in the case of security force encounters with non-Kashmiri militants who cross into Jammu and Kashmir illegally. According to press reports and anecdotal accounts, persons killed in disputed encounters typically were detained by security forces, and their bodies, bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, in January in Magam township approximately 6,000 persons gathered to protest the killing of 2 former militants whose mutilated bodies were found by civilians. The pair allegedly were detained by the Special Operations Group (SOG) of the Jammu and Kashmir police. The police denied any involvement and claimed the deaths were the work of the Hizbul Mujahideen, a Kashmiri militant group.

Nongovernmental organizations (NGO's) active in Jammu and Kashmir claimed that in January 2000, Mohammad Tahir Shah of Kapihora was killed soon after being taken into custody by security forces, which earlier had killed Shah's two sons, alleging that they were members of a militant organization. Shah was buried in Tral town. His relatives were not permitted to recover the body for burial in Kapihora, according to an NGO. Another NGO reported that in March 2000, security forces killed Gulab Muhammad Chechi in an encounter in Beerwah. Authorities claim that he was a foreign militant and that security forces killed him during a gunfight. However, his relatives state that Chechi was a beggar native to Beerwah.

On May 20, newspapers reported that Aijaz Ahmad Kitab had been arrested by the Jammu and Kashmir SOG. According to the police, Kitab was killed after he left the police station. Human rights groups and his family dispute this version of events and believe that he was killed in an encounter. No formal inquiry has been made into the circumstances of Kitab's death. In June the National Human Rights Commission (NHRC), a government-appointed and financed investigative body (see Section 4), requested that the Chief Secretary and Director of Police of Jammu and Kashmir, as well as the Home Defense Minister, report within 8 weeks to explain these custodial deaths. By year's end, no such reports had been made public.

The NHRC, directed that all alleged encounter deaths be investigated immediately by an independent agency; however, members of the security forces rarely are held accountable for these killings. The NHRC itself may inquire into alleged security force abuses in Jammu and Kashmir but does not have the statutory power to investigate such allegations, if it is not satisfied with the responses to its inquiries. The authorities generally have not reported encounter deaths that occur in Jammu and Kashmir to the NHRC; however, private citizens have informed the Commission of various abuses. Human rights groups allege that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly respond indiscriminately to gunfire.

According to the Kashmir Times, in Jammu and Kashmir security forces killed 1,239 militants during the year, while 901 civilians and 207 members of the security forces were killed. According to the Home Ministry during 2000, 543 civilians and 226 security force members were killed in insurgency-related incidents in the state. Home Ministry figures state that in 2000, 821 civilians and 356 security force members were killed in insurgencies in the northeastern states. In comparison, the Home Ministry reported that in 1999, 584 civilians, 439 militants, and 205 security force members were killed in the northeastern states.

In June a fact-finding team of human rights activists reported on a number of cases of extrajudicial killings in Pulwama, Srinagar, Badgam, and Baramulla districts and in Srinagar and Sopore towns. The team concluded that the police had acted without justification in most cases and that the Army had abused the protections of the Armed Forces (Special Powers) Act. They claimed that the Border Security Force (BSF) had fired indiscriminately on Magam village after a suicide attack on a BSF camp. The team also referred to the deaths of Ahmed Khan and Mohammed Ismail Kaloo as custodial deaths, refuting the security forces' explanations that they died in shooting encounters. In a precedent-setting decision, the Allahabad (the Uttar Pradesh High Court) affirmed in April that custodial killings are murders, and stated that police officers could in the future be prosecuted for failing to refuse to obey an illegal order which resulted in the death of a detainee or prisoner.

The security forces killed many civilians during military counterinsurgency operations. In July security forces killed six civilians following an attack on a convoy at Baramulla. In December 2000, 31 security force members were killed in encounters with militants, and 180 civilians were killed. For example, in December Amnesty International (AI) reported the killing by security forces of 10 civilians and the injuring of 40 others following an attack on an army convoy by armed militants. In February security forces reportedly fired into a crowd of villagers protesting the death of Jaleel Ahmed Shah. Five persons were killed and several persons were injured. A case was filed against the security forces for the unprovoked killing of villagers. As a result, the army apologized for the incident and promised an official inquiry; however, no security force members have been charged in the incident. In April 2000, the Jammu and Kashmir SOG fired into a group of several hundred Muslim protesters in Brakpora, Anantnag district, killing 8 persons and injuring 15 others. While some members of the police special operations group were indicted in connection with the killings, trials had not begun at year's end. An army-headed commission investigated the August 2000 Phalagam massacre in which 32 persons were killed by militants and reported in October 2000 that the Home Ministry's Central Reserve Police Force and the SOG of the Jammu and Kashmir police force used excessive force; however, there were no charges brought in connection with this use of excessive force.

Accountability remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (see Sections 1.b. and 1.c.). Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years. According to AI, the army stated in January 2000 that it had investigated 822 of the 955 complaints of human rights violations that it received in 1999 and found that only 24 were of substance. AI reported that there were 1,143 deaths in police and judicial custody in the country in 2000.

In the past, scrutiny by the NHRC and international human rights organizations, when permitted (see Section 4), and the persistence of individual magistrates, resulted in somewhat greater accountability for abuses committed by security force members in Jammu and Kashmir; however, in July 1998, the Government rejected the NHRC's recommendations to bring the army and paramilitary forces under closer scrutiny by allowing the NHRC to investigate complaints of their excesses. In December 2000, the NHRC recommended the removal of paramilitary forces from the definition of "armed forces"; as part of the armed forces category, paramilitary forces are protected from investigation by the NHRC and from criminal prosecution for certain acts under various emergency statutes. No action had been taken regarding this recommendation by year's end. The majority of complaints during the year involved individual cases; while there have been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years.

There were many allegations that military and paramilitary forces in the northeast engage in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants (see Sections 1.b., 1.c., 1.d., and 1.g.). The

Armed Forces Special Powers Act and the Disturbed Areas Act remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allow security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act provides search and arrest powers without warrants (see Section 1.d.).

Human rights monitors allege that, as in Jammu and Kashmir, government reports of deaths during "encounters" between insurgent groups and security forces in northeastern states actually were staged, and that those insurgents who were reported dead were killed after being detained by security forces. The number of persons killed and injured in militant violence in the northeastern states is significant but is lower than the numbers killed in similar violence in Kashmir. From January to May 15, 225 killings took place in Assam. During the year, 19 members of the security forces, 101 civilians, and 69 militants were killed in the northeast. Numerous incidents of encounters involving security forces and militant organizations such as the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the United People's Democratic Solidarity (UPDS) continued. For example, on January 9, after an ULFA militant was killed and another injured in an encounter with security forces, four other militants from the ULFA were arrested. On June 6, security forces shot a militant allegedly responsible for killing three Catholic priests.

There continued to be many credible reports of extrajudicial killings by security forces, the army, and the police killed both militants and noncombatant civilians, particularly in areas of insurgencies. Human rights groups allege that encounters often are faked by police to cover up the torture and subsequent killing of both militants and noncombatants. On February 18, Azam Ali, a 38-year-old school teacher and activist belonging to the Andhra Pradesh Civil Liberties Committee (APCLC), was killed in Nalgonda. Ali was killed while organizing a memorial meeting for Mr. Purushotham, another APCLC leader. Purushotham, an alleged former militant, a human rights defender, and Joint Secretary of the Andhra Pradesh Civil Liberties Committee, was killed by a group of unidentified men in November 2000. Purushotham was investigating alleged human rights violations by the police, including torture and extrajudicial killings. Police arrested four suspects a few days later, two of whom were identified as ex-PWG militants. The two persons confessed to the killing at a press conference that was organized by the police. The APCLC believes that the police, not the PWG, were involved in the killing. Ali has asked the Chief Minister of Andhra Pradesh to order an impartial investigation into the killing of Purushotham and Azam Ali.

Another encounter occurred in Nalgonda district on June 9, when police surrounded a group of PWG militants. According to a human rights group, the police fired at the group and killed six PWG activists and one civilian. According to the police, the PWG militants were holding a meeting with local villagers and had fired on police officers who had approached the gathering; the police returned fire only when the villagers had cleared the area.

The NHRC is investigating 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-PWG operations. According to the Andhra Pradesh Civil Liberties Committee, the NHRC had evidence of police culpability in several cases. However, such cases have not been adjudicated in the courts or otherwise acted on by the state government. The Government's failure to act expeditiously on NHRC findings has discouraged local human rights groups from filing additional encounter death cases with the NHRC. As evidence that encounters often are faked by police, human rights groups cite the refusal of police officials to turn over the bodies of suspects killed. The bodies often are cremated before families can view them.

In Andhra Pradesh, the Disturbed Areas Act has been in force in a number of districts for over 4 years. Human rights groups allege that security forces have been able to operate with virtual impunity under the act. They further allege that Andhra Pradesh police officers train and provide weapons to an armed vigilante group known as the "Green Tigers," whose mission is to combat the Naxalite group in the state. Little is known about the size, composition, or activities of this group.

Court action in cases of extrajudicial killings is slow and uncertain. In one case Army Major Avtar Singh was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi in Kashmir. Singh and 11 countermilitants were charged with Andrabi's killing and 10 other unlawful killings. Criminal charges and a court martial still are pending against Singh, but neither process has yet begun. Human rights workers have alleged that the central Government and Jammu and Kashmir state government both attempted to subvert the judicial process by withholding evidence in the case. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government.

Police frequently use excessive force indiscriminately against demonstrators, killing citizens. For example, on August 6, police fired on demonstrators surrounding the Aurai police station in Muzaffarpur to protest police brutality against flood victims in Bihar; the shooting killed six persons and injured scores of others. On June 18,

in Imphal, Manipur, police opened fire on persons protesting against the Government's ceasefire extension beyond Nagaland's borders. The demonstration took place soon after a mob burned down the legislative assembly. An indefinite curfew was imposed in Imphal, and the police were ordered to shoot anyone found violating the curfew, although there were no instance of persons being shot for this reason. Eighteen persons were killed in rioting that occurred over several days. In Chennai, Tamil Nadu, five persons were killed and dozens were injured on August 12 after police fired plastic bullets at demonstrators at an opposition rally, causing at least three of the deaths (the circumstances surrounding the other 2 deaths are unclear). The police action was condemned widely as being excessive. Several journalists also were injured, allegedly when police charged at the crowd with batons (see Section 2.a.). In Guwahati, Assam, in November, police responded to a riot at a school and shot at the mob, killing one man and injuring others.

During the year, there were reports of killings that resulted from police or other security forces who used excessive force. For example, the NHRC has sought an explanation from the army regarding the abduction and killing of a Changsan in Churachandpur, Manipur, by the Rashtriya Rifles in March 1997. The complaint was filed by the Kuki (tribe) Movement for Human Rights. In November 2000, the Manipur state government claimed that the victim died in crossfire between militants and soldiers. After reading the post-mortem report, the NHRC ruled that the victim's 14 bullet injuries could not have been sustained in this manner.

Some observers have alleged that it was a policeman who threw a grenade into the Charar-e-Sharif shrine in Srinagar on June 8, killing four persons and wounding many others.

On August 25, 2 policemen were sentenced to life imprisonment in Silchar, Assam for beating a teenage boy to death on August 24, 1996. On August 28, Asan Sheikh died of an apparent heart attack, according to jail authorities. However, the local Superintendent of Police stated that the possibility of foul play could not be ruled out, since blood stains were found on Sheikh's face.

Deaths in custody are common both for suspected militants and other criminals. According to the NHRC, there were 1,037 reported deaths in custody nationwide during the year, many from natural causes aggravated by poor prison conditions (see Section 1.c.).

The NHRC has focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody to the Commission and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appear to be complying with this directive, although states vary in their adherence to NHRC directives on custodial deaths. However, security forces are not required to report custodial deaths in Jammu and Kashmir or the northeastern states to the NHRC and do not do so. The NHRC reported 56 fewer custodial deaths from April 2000 to March 2001 than in the previous period. In January All-Parties Hurriyat Conference leaders criticized the state government of Jammu and Kashmir for a series of custodial killings. The Jammu and Kashmir Deputy Inspector General of Police denied that there had been any custodial killings, despite eyewitness accounts reported in local newspapers. In July Masood, a commander of the Hizbul Mujahideen, was killed by the SOG of the Jammu and Kashmir police following his arrest in Pampore, Srinagar. Masood's family allege that he was killed while in police custody. The police state that he was killed while trying to escape. There has been no formal investigation into his death. In June the NHRC asked for a report from the Home Ministry and Defense Ministry regarding media reports of custodial deaths. Despite the request, by year's end, the NHRC had not yet received a reply. During the year, the NHRC awarded compensation to Tejender Arora for an unlawful police beating in June 1999 in Uttar Pradesh.

During the year, there were several cases of suspicious deaths of persons in police custody in Maharashtra. In January an auto-rickshaw driver allegedly committed suicide in a Mumbai jail after being detained for a traffic violation. In August in Jalgaon District, the leader of a scheduled caste community was found dead at a police station the morning after he was arrested on a domestic violence charge. Citizens stoned local police when they denied the family the right to inspect the body. The District Collector has ordered an inquiry into the death.

However, during the year, the state government of Maharashtra has taken some positive steps regarding custodial deaths. Following NHRC guidelines, the state government of Maharashtra mandated automatic post-mortem examinations and inquiries by a magistrate following all cases of custodial deaths. The district jail in Pune, the state's second largest, became the first in the country to adopt video-conferencing to help magistrates determine the health and well-being of persons in judicial custody (see Section 1.c.). In March the widow of Bharat Lokhande, a suspect who died in police custody in 1997, was awarded more than \$4,000US (191,688 Rs) compensation by the High Court.

In August the state government took action to implement the Sri Krishna Commission findings concerning the Hindu-Muslim communal riots in Mumbai of 1992 and 1993. Former Police Commissioner Ramdeo Tayagi, indicted in 1998 along with other officials for killing Muslims during the riots, was arrested by an order of the Supreme Court. And in another long-delayed case, police inspector Manohar Kadam, indicted in 1997 for

ordering excessive force against protesters in 1997, was arrested in September in Mumbai.

A member of the Kougatchi local authority in West Bengal, reportedly died of a heart attack in police custody on March 22. An opposition leader alleged that the local authority member died of torture while in police custody. To date, there has been no formal investigation.

In Bihar the NHRC recorded 135 custodial deaths in its 2000-01 reporting period. The Bihar government has not been responsive to NHRC directives and reports addressing police training and accountability. However, the Bihar Inspector-General of Prisons reportedly stated that of the 135 cases, only 15 were "unnatural deaths." Human rights sources claim that the number is slightly higher.

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants are former separatist militants who have surrendered to government forces, but who have retained their weapons and paramilitary organization. Government agencies fund, exchange intelligence with, and direct operations of countermilitants as part of the counterinsurgency effort. The Government also recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force. Countermilitants are known to search persons at roadblocks (see Section 2.d.) and guard extensive areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, is responsible for killings, abductions, and other abuses committed by these militant groups. Perhaps as many as 3,000 countermilitants continue to operate in Jammu and Kashmir, particularly in the countryside, outside major towns. The Hizbul Mujahideen, a Kashmiri militant group, stated in June 1998 that progovernment countermilitants had killed 350 of its members. According to Pakistani newspaper accounts, Indian security forces killed 438 Pakistani members of insurgent groups in Jammu and Kashmir during 1999. Of this number, 200 were members of the Lashkar-e-Tayyaba, 123 were members of the Al-Badr Mujahideen, 69 were members of the Harkat-ul-Mujahideen and, and 46 were members of the Hizbul Mujahideen. However, these numbers have not been confirmed and only include the four largest insurgent groups in the state. The Kashmir Times stated that security forces killed 1,239 militants in the state during the year, compared with 1,520 in 2000.

Insurgency and increased ethnic violence took a heavy toll in the northeastern states. Extensive, complex patterns of violence continued in many of the seven northeastern states. The main insurgent groups in the northeast include two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security force in Assam; and the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups is to secede from the country, creating new, independent nations. Their stated grievances against the Government range from charges of neglect and indifference to the widespread poverty of the region, to allegations of active discrimination against the tribal and nontribal people of the region by the central Government (see Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. On August 1, 1997, a ceasefire between the Government and the Isak-Muivah faction of the NSCN (NSCN-IM) entered into effect. The ceasefire was extended in January until July 31. On June 15, the Government announced the extension of the ceasefire to cover all Naga-inhabited areas in the country. The ceasefire extension was to go into effect on August 1.

However, the Government's extended ceasefire was resisted in Manipur, Assam and Arunachal Pradesh, where non-Nagas feared the eventual creation of a Greater Nagaland carved partly out of their territories. Protests in Manipur by the Meitei community were violent; 18 persons were killed, and the homes and offices of politicians and officials were burned. On June 18, large mobs marched on different parts of Imphal, the capital of Manipur. The mobs set fire to a number of buildings, including the legislative assembly hall, the chief minister's office, and the legislative speaker's residence. The All Manipur Students Union (AMSU) called on all 60 members of the state legislature to resign. In response to these disturbances, the Government revoked the extended ceasefire on July 27.

Surrenders by militants in the northeast, often under Government incentive programs, have been common in recent years. Surrendered militants usually are given a resettlement and retraining allowance and other assistance. In Andhra Pradesh, the state government offers a financial package to surrendered PWG militants, a program that has prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants have been allowed to retain their weapons and are working for the police as anti-PWG officers, residing in police camps and barracks. Human rights groups allege that police use former-militants to kill Naxalites and human rights activists with close links to the PWG, although police attribute such killings to internal feuds within the PWG. There were 431 surrenders by PWG militants between January and August.

In Tripura a systematic surrender of arms by a faction of NLFT insurgents and NLFT fringe groups is due to the increased security pressure and to infighting within NLFT insurgent ranks. Since 2000 a few hundred militants

have surrendered in small groups to the security forces, handing in their weapons.

Elsewhere in the northeast, Bodo-Santhal ethnic clashes, which began in 1998, continued throughout the year. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals. The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam. On January 4, unidentified assailants shot and killed three relatives of two ULFA militants, including two relatives of ULFA deputy commander in chief Raju Baruah. In addition, Avinash Bordoloi and two other Surrendered ULFA's (SULFA's) in Nalbari district were killed by ULFA militants. On June 25, five tribal militants were killed and several were injured during a series of encounters between NLFT and ATTF at Takarjala in Tripura.

Militant groups in Manipur, Tripura, and Assam continued to attack civilians. On June 24, three persons were killed and five others were kidnaped by NLFT militants in West Tripura when militants stormed into a village and dragged persons out of their homes.

During the year, in Tripura several persons were killed by the NLFT. For example, on June 4, NLFT members attacked a passenger jeep in which three persons, including a student, were killed. Communal tension rose following a tribal militant attack in which three Bengalis were killed and three were kidnaped.

In March suspected NDFB militants shot 7 non-Assamese in Kamrup District, Assam, and ULFA militants shot 3 persons in Nalbari District. In June NDFB militants shot 10 tribal woodcutters in Kokrajhar District, apparently because the cutters had defied an NDFB ban on tree falling in the area. In Assam on November 22, NDFB and ULFA rebels killed 11 persons and injured 7, when a bomb and a grenade were exploded in Sibsagar district. On the same day, NDFB militants shot 3 woodcutters belonging to a minority community in Palki Jhora village. In April 2000, United People's Democratic Solidarity (UPDS) militants lined up 11 non-Karbi laborers in the Dhansari Reserve Forest in Karbi Anglong district and shot at them. (The UPDS is a Karbi radical group fighting for greater autonomy for the Karbis; Karbis are tribal peoples native to Karbi-Anglong district.)

In Manipur 100 persons including 30 civilians, 57 militants, and 13 security force personnel were killed in clashes with militants during the year. The Manipur government declared a month-long ceasefire with militants in March, but 19 persons were killed in counterinsurgency incidents after the ceasefire went into effect. In Manipur 18 militant groups were reportedly active, including outlawed Meitei organizations. Exchanges of gunfire between security forces and insurgent groups occurs regularly.

In Tripura between January 1 and May 15, continued separatist-related violence resulted in the deaths of 132 persons including 89 civilians, 27 security force personnel, and 16 militants. On March 3, NLFT militants killed 11 CRPF personnel and 2 drivers of security vehicles in Bampur in Tripura.

Between January and May, there were 31 insurgency-related incidents in Nagaland in which 4 civilians and 17 militants were killed. The Government's negotiations with Naga separatists over a cease-fire caused significant unrest in Nagaland and in neighboring states. In one incident in June, police fired teargas shells into a crowd of more than 10,000 demonstrators who were protesting the extension of the Naga ceasefire beyond Nagaland's borders at Nambol in Bishnupur district of Manipur; police also attacked demonstrators with batons. At least 35 persons were injured.

In the north-central states of Bihar, Jharkhand, Orissa, and West Bengal, clashes between police officers and Naxalite Maoist Revolutionaries of the Peoples' War Group (PWG) have occurred since the 1980's. On August 9, PWG members attacked two police stations and killed seven persons, including five policemen. The police sometimes respond with violence; for example, on January 24, an activist of the Communist Party of India Liberation Front was killed and five others injured with police fired on a procession of the Naxalite party in Gaya district of Bihar (see Section 2.b.). According to police, 89 Naxalites were killed in armed encounters during the first 8 months of the year. During the late 1990's, hundreds of policemen and suspected Naxalites were killed, according to press reports and human rights organizations. Twenty years of guerrilla-style conflict between state authorities and Naxalites have led to serious human rights abuses committed by both sides.

Militant groups in Jammu and Kashmir increasingly targeted members of the security forces and civilians during the year. According to the Kashmir Times, there were 931 attacks by militant groups against the police and security forces, resulting in the deaths of 515 personnel, compared with 384 deaths of police and security forces in 2000. The number of security personnel injured, but not killed, in these attacks was twice as high as for the same period in 2000, according to police sources. In January two civilians and four terrorists were killed in a suicide attack claimed by Lashkar-e-Tayyiba on the heavily-guarded Srinagar, Kashmir airport. On January 14, Jammu and Kashmir Chief Minister Farooq Abdullah narrowly escaped injury in a grenade attack by Hizb-ul-Mujahideen militants in Srinagar. In March the Chief Minister alleged that killings of civilians and security forces by militants had increased during the Government's ceasefire. In June unknown assailants shot

a political party worker in Budgam District, Jammu and Kashmir. In November four soldiers were killed and five were injured when LET terrorists attacked an army camp in Anantnag District, Jammu and Kashmir.

In August 2000, terrorists from Harkat-ul-Jehade Islami reportedly killed six Hindu villagers and seriously wounded seven in the Rajouri district in Jammu (see Section 5). According to Human Rights Watch (HRW), in August 2000, militants killed three elderly men and a teenage boy, and wounded two other persons when they fired automatic weapons at civilians in a village in Udhampur (see Section 5). Militants also carried out attacks on security forces that killed numerous persons (see Section 1.g.). In December 2000, six militants with concealed weapons entered Delhi's Red Fort, an historic monument that also houses an army unit, during a regularly scheduled sound and light show for the public. The militants opened fire on the crowd, killing a soldier and two civilians. The Lashkar-e-Tayyaba terrorist group later claimed responsibility for the attack. Also in December 2000, city police raided a Delhi apartment and shot and killed Abu Shamal, whom they claimed to be Lashkar-e-Tayyaba terrorist involved in the Red Fort attack.

Killings of security force members by militants in Jammu and Kashmir increased for the fourth year in a row. According to official statistics, 515 police and security force personnel were killed in the state during the year. The Ministry of Home Affairs reported that 397 security force members were killed in the state in 2000.

Nearly 50 persons were killed in violence related to the May state assembly elections and local elections in several states (see Sections 1.g. and 4).

Religious and ethnically motivated violence caused numerous deaths (see Section 5).

Mob lynchings of tribal people occur in many states (see Section 5).

b. Disappearance

According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir. In October the state government of Jammu and Kashmir stated that during the last 6 years, 2,250 persons were reported missing. The state government claimed that most of those who disappeared were young men who crossed into Pakistan-controlled Kashmir for training in terrorist camps.

The Ministry of Home Affairs reported that 645 suspected militants were arrested in 2000 and 104 persons surrendered. In comparison, according to the Jammu and Kashmir police, 744 suspected militants were arrested in 1999 and 109 persons surrendered. Human rights organizations allege that the decline in the number of militants arrested is consistent with reports that security forces are killing many militants captured in encounters (see Section 1.a.); that pattern continued during the year. Of those arrested and who surrendered in 1998, 529 persons were released after preliminary questioning, 457 persons were charged under special security laws, and the remaining persons were released at a later stage of judicial review. In addition the Jammu and Kashmir police stated that in 1998 it held 514 persons under the Public Safety Act (PSA). According to an AI report that was released in 2000, there were between 700 and 800 unsolved disappearances in Kashmir since 1990. The Home Ministry reported that security forces in the northeastern states arrested 1,383 suspected militants in 2000; an additional 2,057 militants surrendered during that year. In comparison, 1,413 suspected militants were arrested, and 1,080 militants surrendered in 1999. The Government was unable to provide complete statistics for the number of persons held under special security laws in the northeastern states, but acknowledged that 43 persons were in detention under the National Security Act as of 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, one human right organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1-day to 6-months' duration) confinement in transit and interrogation centers.

Chundrakpam Ongabi Sumila reported to the Families of the Involuntarily Disappeared's Association (FIDAM) that on May 7, her husband was taken by armed men while the couple was waiting for their child's doctor. Her husband has not been seen since. The armed kidnapers are suspected to be Assam Rifles. When Sumila reported the incident to the police, she was told that her husband was suspected to have links with the Kangleipak Communist Party (KCP).

Human rights groups maintain that several hundred more persons are held by the military and paramilitary forces in longterm unacknowledged detention in interrogation centers and transit camps in Jammu and Kashmir and in the northeastern states that nominally are intended for only shortterm confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing (see Sections 1.a. and 1.c.). In August 2000, AI reported that the fates of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remain unexplained by authorities. The U.N. Special Rapporteur on Torture

reported in 1997 that more than 15,000 habeas corpus petitions have been filed in the country since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions." In August 2000, AI appealed to the Government to investigate the growing number of disappearances in Jammu and Kashmir. At year's end, there had been no update on the case of M. Akbar Tantray, who was reported missing in February 2000. At year's end, the Union Defense Secretary had not issued a report on the whereabouts of Abudul Rashid Wani (missing since July 1997), as requested by the NHRC in February 2000. There were no developments in the 1996 disappearance of human rights monitor Jalil Andrabi, nor in the 1997 disappearances of eight persons in Jammu and Kashmir. As of December 1997, 55 cases of disappearances and custodial death still were pending against Border Security Force personnel in Jammu and Kashmir (see Sections 1.a. and 1.c.). In September 2000, the NHRC issued a notice to the Chief Secretary and Director General of Police in Jammu and Kashmir and the Secretaries of the Union Home and Defense Ministries requiring them to report on missing persons in the state within 8 weeks; however, there was no public information regarding the authorities complied with the directive.

The Government maintains that screening committees administered by the state governments provide information about detainees to their families. However, other sources indicate that families are able to confirm the detention of their relatives only by bribing prison guards. For example, in May 2000 the People's Union for Civil Liberties (PUCL) published an appeal by Sunita Majumdar, the mother of Partha Majumdar, who was taken from his home by police in District 24 Parganas, West Bengal, in September 1997, and has not been seen since. Police have provided no information in the case despite a request from the State Human Rights Commission. Partha Majumdar was a witness to an alleged police shooting that left one person dead. In May 2000, the State Human Rights Commission recommended that a criminal investigation be initiated against police involved in the incident. The state government of West Bengal has refused the Commission's request. A program of prison visits by the International Committee of the Red Cross (ICRC), which began in October 1995, is designed in part to help assure communications between detainees and their families. During the year, the ICRC visited approximately 1,000 detainees in about 20 places of detention. All acknowledged detention centers in Jammu and Kashmir, and Kashmiri detainees elsewhere in the country were visited. However, the ICRC is not authorized to visit interrogation centers or transit centers, nor does it have access to regular detention centers in the northeastern states (see Sections 1.c. and 4). In 2000 the ICRC stated that it "encountered mounting difficulties in maintaining systematic access to people detained in connection with the situation in Jammu and Kashmir."

In Punjab the pattern of disappearances prevalent in the early 1990's appears to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed there during the counterinsurgency of 1984-94. However, steps were taken against a few such violators. The CBI claims to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" cases wherein police in Amritsar, Patti, and Tarn Taran district secretly disposed of bodies of suspected militants. The militants are believed to have been abducted, extrajudicially executed, and cremated without the knowledge or consent of their families. The CBI in its report to the Supreme Court in December 1996 stated that Punjab police secretly had cremated over 2,000 bodies in Tarn Taran; of these, 585 bodies had been identified fully, 274 had been identified partially, and 1,238 were unidentified. Most reportedly were killed by Border Security Force officers while they were attempting to enter the country from Pakistan, were unidentified victims of accidents or suicide, or died in clashes between militant factions. However, 424 persons apparently were militants killed in the interior of the district, 291 of whom subsequently were identified. These numbers demonstrate the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly include many persons killed in extrajudicial executions. The NHRC is seeking to obtain compensation for the families of those victims whose remains were identified, but the Government has challenged the NHRC's jurisdiction in the cases. In September 1998, the Supreme Court upheld the right of the NHRC to investigate the cases. In August 1998, the Committee for the Coordination on Disappearances in Punjab (CCDP) member and former Supreme Court Justice Kuldip Singh presented the Chief Minister of Punjab with a list of approximately 3,000 persons who either were missing or had died in encounters with security forces during the period of unrest in Punjab. Former Justice Singh also announced that the CCDP would form a three-member commission to investigate the mass cremations. The Commission received little cooperation from state government authorities and made little progress during the year (see Section 4).

AI in its April 2000 report on human rights defenders in the country expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khaira, hindering efforts to probe the Tarn Taran cremations. Khaira was investigating the cremation of unidentified bodies by Tarn Taran police. Several witnesses observed Punjab police officials arrest Khaira outside his Amritsar home in September 1995. Police officials subsequently denied that they had arrested Khaira, and he has not been seen since. One of the suspects in the arrest subsequently died, reportedly by suicide; none of the others were charged by year's end. One human rights organization credibly alleged that police intimidated a witness in the case in August 2000, threatening to kill him if he testified against them. These events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either were facing charges, were prosecuted, or were under investigation for human rights abuses at

year's end.

There are credible reports that police throughout the country often do not file required arrest reports. As a result, there are hundreds of unsolved disappearances in which relatives claim that an individual was taken into police custody and never heard from again. Police usually deny these claims, countering that there are no records of arrest. On April 14, four persons were arrested and taken away by BSF officers in Churachandpur district. All four were arrested after an encounter between the BSF and militants, and were taken to an unknown location. The Manipur Human Rights Commission said there was no arrest memo, and the four had not been handed over to the police. The Commission lodged a complaint with the Director General of Police, and on April 23, the four were handed over to the police. At year's end, they remained in police custody. In Manipur 14-year-old Yumlembam Sanamacha of Thoubal district has been missing since soldiers arrested him in February 1998. The army reportedly detained him because of his alleged links with insurgent groups. There was a judicial inquiry into the Sanamacha case in 1999 in which the Army stated that Sanamacha had been arrested but later escaped.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnapped persons later were killed (see Sections 1.a. and 1.g.). According to government figures, there were 1,369 kidnappings in the northeastern states during 2000. There were no significant new developments in the case of the 1995 kidnappings of American, British, German, and Norwegian nationals, despite police cooperation with foreign diplomats.

On January 28, Tripura police discovered the skeletons of four villagers who had been kidnapped by armed insurgents in 1999. No one has been prosecuted in connection with this incident. Also on January 28, armed NLFT militants kidnapped a villager who was a CPM worker from Dhalai district. On July 25, Parthapratim Roy Burman, the owner of one of Calcutta's leading shoe manufacturers, was kidnapped from a busy locality in the middle of the day. On August 5, armed militants kidnapped two executives, Sambhu Nath and Ram Avtar Chakravarty, of Binakandi tea estate in south Assam's district. On August 6, NLFT militants kidnapped 6 persons, including 2 tea estate officials from Rangrung tea estate in North Tripura.

In August, seven Hindu youths were kidnapped by militants in the Rajouri district of the Kashmir valley in Jammu and Kashmir. When security forces pursued their abductors, they killed 4 of the kidnapers, but 3 were able to escape with the victims. In a forest area of Doda district, a group of Hindu shepherds were kidnapped and killed by militants in August (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, torture is common throughout the country, and authorities often use torture during interrogations. In other instances, they torture detainees to extort money and sometimes as summary punishment.

The U.N. Special Rapporteur on Torture has reported that the security forces systematically torture persons in Jammu and Kashmir in order to coerce them to confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information is not made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In February, a 30-year-old man from Surankot, Kashmir was detained by soldiers from the Rashtriya Rifles regiment on suspicion of terrorism. His legs allegedly had been set on fire and the skin peeled off by the soldiers. After his release, he was unable to walk home and had to be carried by his family. In other cases of arrest and torture were brought before the NHRC during the year, Gulzar Ahmad Ganie died of his injuries after his release from detention, and students Shiraz Ahmad Khan and Syed Malik both died after allegedly being tortured. Police abuses against indigenous people include torture (see Section 5).

The U.N. Special Rapporteur on Torture noted that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims die in custody, and others are afraid to speak out, there are few firsthand accounts, although marks of torture often have been found on the bodies of deceased detainees. The U.N. Special Rapporteurs on Torture and on Extrajudicial Killings renewed their requests to visit the country during the year. The Home Ministry extended an invitation in April to the Special Rapporteur on torture, subject to certain limitations; by year's end, the visit had yet to be scheduled. The Home Ministry did not extend an invitation to the Special Rapporteur on Extrajudicial Killings.

The prevalence of torture by police in detention facilities throughout the country is supported by the number of cases of deaths in police custody (see Section 1.a.). Delhi's Tihar jail is notorious for the mistreatment of prisoners, with 1 of every 11 custodial deaths occurring there. Police and jailers typically assault new prisoners for money and personal articles. In addition police commonly torture detainees during custodial interrogation. Although police officers are subject to prosecution for such offenses under Section 302 of the Penal Code, the Government often fails to hold them accountable. On March 13, a Mumbai district court ordered an inquiry into alleged torture of prisoner Yunus Fakir Mohammad Shaikh, who was detained by police at the Dongri police station. Yunus told the court, "My head was put underneath water, and I was assaulted with whips and lathis (canes). They banged my head against the wall." The doctor's report, obtained by a Mumbai newspaper, showed that Yunus's injuries were caused by a blunt instrument, not by a fall in the bathroom as the police claimed. During the year, no action was taken in this case. In Uttar Pradesh in March, the NHRC ordered the state government to pay \$1,044 (50,000 Rs) compensation to Tajender Rajoura, who was beaten in an Agra jail after his arrest during a Congress Party protest march.

Police also tortured other citizens. On March 27, a local human rights group in Nanded District complained to the state's director general of police that on March 1, local police physically abused three local citizens who had questioned discrepancies in the post-mortem report of a 12-year-old rape victim. According to PUCI, in April a 14-year-old girl allegedly was abducted, tortured with electric shocks, and raped for 6 days by the Patiala police (see Section 1.g. and 5). At year's end, no police officer has been charged.

In its latest report on West Bengal, AI has criticized West Bengal Chief Minister Buddhadeb Bhattacharya for his comment in January that "the police should ruthlessly tackle criminals and see to it that the message of human rights does not get the better of them." In Uttar Pradesh in March, the NHRC ordered the state government to pay 1,044US (50,000 Rs) compensation to Tajender Rajoura, who was beaten in an Agra jail after his arrest during a Congress Party protest march.

There also were incidents in which police beat journalists (see Section 2.a.), demonstrators (see Section 2.b.), and Muslim students (see Section 2.c.). Police also committed abuses against tribal people (see Section 5).

The rape of persons in custody is part of the broader pattern of custodial abuse. Limits placed on the arrest, search, and police custody of women appear effectively to limit the frequency of rape in custody, although it does occur on occasion. According to The Times of India, a tribal woman alleged that she was raped by three Special Task Force personnel in October. She stated that the personnel forced their way into her home to obtain information about militants. In November, according to the Times of India, a High Court ordered an inquiry into an alleged custodial gang rape of a girl who had been arrested in connection with militancy. Mary Lushai alleged that three policemen raped her in Manu police station in Dhalai district. In September 2000, a 16-year-old girl suspect arrested on suspicion of petty theft was raped by two policemen in a police van in West Bengal. On February 2, the chief of the detective department submitted a report stating that the reported rape was "baseless and far from the truth"; however, the victim had become pregnant, reportedly as a result of the attack. In August, the girl was awarded \$1,044 (50,000 Rs) as compensation by the divisional bench of the Calcutta High Court. However, the Government has not disciplined or charged the police officers involved in the incident, despite repeated requests from the court.

NGO's claim that rape by police, including custodial rape, is more common than NHRC figures indicate. Although evidence is lacking, a higher incidence of abuse appears credible, given other evidence of abusive behavior by police and the likelihood that many rapes go unreported due to a sense of shame and a fear of retribution among victims.

Human rights monitors allege that on July 19, 2000, Central Reserve Police Force (CRPF) personnel raped a tribal housewife in Lamdam village, Manipur. They allege that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (see Section 1.g.).

There is a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (see Section 1.g.), but it is not included in NHRC statistics because it involves military forces. According to an NGO in Kashmir, there were 200 rapes by paramilitary personnel in 2000.

From April 1998 to March 1999, the NHRC received 1,297 complaints of custodial death (1,114 in judicial custody and 183 in police custody), no cases of custodial rape, and 2,252 complaints of other police abuses. By 2000, the NHRC had not released the statistics of its actions against police during this time period. However, from April 1997 to March 1998, the NHRC received 1,012 complaints of custodial death (819 in judicial custody and 193 in police custody), 1 case of custodial rape, and 1,413 complaints of other police excesses. As a result of NHRC action during 2000, criminal prosecutions were brought against 43 persons; departmental action was taken against 60 officers, 51 of whom were placed under suspension; and monetary

compensation in amounts ranging from \$1,100 (50,000 Rs) to \$2,100 (100,000 Rs) were recommended for payment in 20 cases.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (see Sections 5, 6.c., and 6.f.).

The U.N. Special Rapporteur on Torture stated in 1997 that, in Jammu and Kashmir, torture victims or their relatives reportedly have had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition the Armed Forces (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central Government, no "prosecution, suit, or other legal proceeding shall be instituted...against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allows the security forces to act with virtual impunity.

The Government occasionally uses excessive force in putting down demonstrations. Five persons died and dozens were injured on August 12 in Chennai in an opposition rally (see Section 1.a.). According to the police, three deaths were the result of police firing on rioters. Several journalists also were injured, allegedly in police baton charge (see Section 2.a.). The police action was widely condemned as excessive use of force.

The Government also occasionally uses excessive force against tribal people. In Gadchiroli on March 27, police claimed that they shot a Naxalite in the jungles of Maraknar when he fired at them. Human rights groups alleged that the man was not a Naxalite but a Madia tribal people who was out fishing, and that the police shot him in the leg while he was trying to run away, took him to the police station, and beat him to death (see Sections 1.a., 1.c. and 5). The witnesses to the incident were arrested by the police. On April 2, police shot and killed 5 tribal persons in Madhya Pradesh. The electronic media has highlighted these deaths and has reported that the police claim that the deaths occurred in an armed attack by Naxalites on government personnel, while local grassroots organizations say that the deaths were the result of a resistance to corrupt and brutal police by tribal persons. The Government of Madhya Pradesh has ordered an inquiry into the killing.

Police corruption undermines efforts to combat trafficking in women and children (see Section 6.f.).

Security forces killed and injured numerous militant group members, many in so-called encounter deaths, particularly in Jammu and Kashmir and the northeastern states (see Section 1.a.).

Militant groups sometimes used automatic weapons, hand grenades, bombs, landmines, and other weapons in political violence in Jammu and Kashmir and the northeastern states; numerous security forces and civilians were killed and injured.

Some militant groups in the northeast have used rape as a tactic to terrorize the populace; however, no cases are known to have been reported during the year.

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (see Sections 1.a., 1.g., and 5).

Prison conditions are very poor. Prisons are severely overcrowded, and the provision of food and medical care frequently is inadequate.

Prisons operate above capacity because thousands of prisoners awaiting hearings (see Section 1.d.). The national average of persons awaiting hearings as a percentage of the prison population is over 60 percent. In Kashmir persons awaiting hearings make up 90 percent of prison population, and in Bihar 80 percent. Delhi's Tihar jail, with a designed capacity of 3,300 persons, houses 9,000 prisoners. Birsia Munda jail in Ranchi, Bihar, designed to hold 364 persons, houses more than 1,800 male and female prisoners. In May 2000, the PUCL visited Sakchi jail, Jamshedpur, Bihar, following complaints of abuse of prisoners. The human rights activists found that the prison, designed to hold 200 prisoners, housed 786 persons, of whom only 55 had been convicted; the rest were at various stages of the judicial process. AI reported that overcrowding in Arthur jail, Mumbai, led to rioting on June 19, 2000. Designed to hold 50 prisoners, Arthur jail has 180 inmates. Prison guards reportedly attacked inmates with razors and wooden poles to quell rioting that erupted following a fight between two prisoners. Forty inmates were injured in the incident. An August 3, 2000, report from Aizawl, Mizoram, stated that its central jail, designed to house 500 prisoners, had 846 inmates. The NHRC reported in February 2000 on its November 1999 visits to jails in Guwahati and Shillong. In Guwahati the commission found 780 inmates in a district jail designed to hold 507 (see Section 1.d.). In Shillong the commission found 374 inmates in the central jail, which was designed to hold 150 persons. One of the inmates was a 10- or 11-year-old girl awaiting trial. The Government prepared a national prison manual in 2000 to facilitate reform. It

also continued to provide financial aid to the states. However, the Prison Act remains unamended. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations have no lockup facilities, the lack of prisons led police to shackle prisoners to trees. Despite recommendations by the NHRC, no reform legislation has been passed to date.

The 910 deaths in judicial custody reported to the NHRC during the year, occurring in a prison population of approximately 279,000 persons, many of whom are held for years, include a large proportion of deaths from natural causes that in some cases were aggravated by poor prison conditions (see Section 1.a.). A study conducted by the NHRC found that tuberculosis was the cause of death in most deaths in judicial custody. Deaths in police custody, which typically occur within hours or days of initial detention, more clearly imply violent abuse and torture. The NHRC has no authority to investigate abuses by security forces directly, and security forces in Jammu and Kashmir and the northeastern states are not required to report custodial deaths to the Commission. However, in January the NHRC requested that the Commission be informed of any custodial death within 2 months, and that a post-mortem report, magisterial inquest, and a videography of the post-mortem be provided to the NHRC.

In prison women are housed separately from men, in similar conditions. By law juveniles are to be detained in rehabilitative facilities; however, they are at times detained in prison, especially in rural areas. Pretrial detainees are not separated from the general prison population.

With the exception of an agreement with the ICRC for visits to detention facilities in Jammu and Kashmir, the Government does not allow NGO's to monitor prison conditions (see Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provide evidence of growing public awareness of the problem. The NHRC has identified torture and deaths in detention as one of its priority concerns. The NHRC's "Special Rapporteur and Chief Coordinator of Custodial Justice" helps implement its directive to state prison authorities to ensure that medical check-ups are performed on all inmates. In June 2000, the country's first women's correctional facility was opened in the Tihar complex in New Delhi.

d. Arbitrary Arrest, Detention, or Exile

The Government has implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

Although the law that had been subject to the most extensive abuse, the TADA, lapsed in 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997, in a number of states, according to the NHRC's 1996-97 report. Human rights sources estimate that about 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In 1997 the Government asserted that every TADA case would be reviewed; however, few persons have been released as a result of the review. Criminal cases are proceeding against most of those persons still held under the TADA, with more than 3,000 charged under other laws in addition to the TADA. In 1996 the Supreme Court eased bail guidelines for persons accused under TADA, taking into account the large backlog of cases in special TADA courts. In 1999 the state minister for home affairs told the Jammu and Kashmir state assembly that 16,620 persons had been detained under the TADA in the state since 1990; of these, 1,640 were brought to trial and 10 were convicted. Approximately 10,000 other persons either were released or still were awaiting a trial. TADA courts use abridged procedures. For example, defense counsel is not permitted to see witnesses for the prosecution, who are kept behind screens while testifying in court. Also, confessions extracted under duress are admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons still were in custody at year's end.

In October a Prevention of Terrorism Ordinance was promulgated, under which detention without charge for 3 months is allowed, not disclosing information to the authorities about terrorist activities is deemed an offense, and extensive new powers to ban organizations and seize their assets are established. This ordinance is similar to the TADA in that it permits detention for 30 days without trial, summary trials, and the use of testimony exacted under duress. The NHRC considers new antiterrorism laws unnecessary, and opposition parties plan to block the ordinance in Parliament before it becomes permanent. Similar bills have been proposed in various state assemblies. If enacted, they would provide for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. In Madhya Pradesh such a bill, designed to combat the Naxalites, was pass early in 2000, was not enacted because it failed to receive Presidential signature. The

Maharashtra state assembly enacted TADA-like legislation in November 1999. By year's end, the capital territory of New Delhi decided to adopt Maharashtra's Control of Organized Crime Act.

The Constitution permits preventive detention laws in the event of threats to public order and national security. Under Article 22 of the Constitution, an individual may be detained--without charge or trial--for up to 3 months, and detainees are denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) permits the detention of persons considered to be security risks; police anywhere in the country (except for Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions the authorities may detain a suspect without charge or trial for as long as 1 year on loosely defined security grounds. The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). The Government was not able to provide figures on how many persons were being detained nationwide under the NSA, but in 1997 there were 1,163 such persons. The NSA does not define "security risk." Human rights groups allege that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. No court may overturn such a decision.

The Jammu and Kashmir Public Safety Act (PSA) covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police reported that 514 persons were being held under the PSA as of December 1998, the last year for which figures were available. Human rights groups say that the PSA's sweeping powers, combined with a prisoner's lack of access to family members or to a lawyer, lead to a recipe for abuse. On June 9, a series of detentions and arrests under the PSA followed protests over the killings of 6 women in Kashmir. Several members of the NGO Human Rights Front were detained for 1 day. Members of the Islamic Students League also were detained on the same day and placed in preventive detention, and one student leader was ordered detained for 2 years. In addition, Dr. Hubbi, a member of the All-Parties Hurriyat Conference (APHC) also was detained along with two other APHC leaders. Other APHC activists allegedly were beaten by police at the demonstration.

The Supreme Court has upheld the constitutional validity of the Armed Forces Special Powers Act (AFSPA). In a representation made to the NHRC, the SAHRDC asserted that the act's powers were "too vast and sweeping and pose a grave threat to the fundamental rights and liberties of the citizenry of the (disturbed) areas covered by the act." The SAHRDC asserted that the powers granted to authorities under Section 3 of the act to declare any area to be a "disturbed area," and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that Section 4(a) of the act empowers any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believes that it is necessary for the maintenance of law and order. Further, Section 6 of the act states that "no prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the central Government against any person in respect of anything done or purported to be done in exercise of powers" conferred by the act.

On June 30, 23,000 opposition party leaders and workers, mostly from the DMK party, were taken into preventive detention for 4 days in Tamil Nadu. Police organized the arrests to forestall civil disorder after the arrest of former DMK Chief Minister Karunanidhi on criminal conspiracy charges. Opposition leaders and human rights activists alleged that the roundup was unprecedented in scale and was intended to intimidate the opposition. The arrests led to the overcrowding of already congested jails. In Madurai Central prison, for example, 3,008 opposition figures joined 1,900 inmates in a facility designed for only 1,200 persons. Some of the opposition leaders taken into preventive detention were released after 4 to 5 days with no charges filed against them. None of these persons still are in jail following this mass arrest. In July the NHRC asked the Tamil Nadu state government to justify the arrests and explain apparent human rights violations. By year's end, there has been no repose to the inquiry.

Human rights groups allege that between June and August, 30 members of teachers' unions and other activist groups were detained by police in Warangal and Mahboobnagar on suspicion of PWG membership. Some of the detainees allegedly were tortured by police, and the teachers reportedly were ordered to resign from their jobs.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investigation or released. The Supreme Court has upheld these provisions. The accused must be informed of the right to bail at the time of arrest and may, unless held on a nonbailable offense, apply for bail at any time.

The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

The court system is extremely overloaded, resulting in the detention of numerous persons awaiting trial for periods longer than they would receive if convicted. Prisoners may be held for months or even years before obtaining a trial date. According to a reply to a parliamentary question in July 1994, more than 111,000 criminal cases were pending in the Allahabad High Court, the most serious case backlog in the country, of which nearly 29,000 cases had been pending for 5 to 8 years. A statement to Parliament in July 1996 indicated that criminal and civil cases pending before the country's high courts numbered nearly 2.9 million in 1995, roughly the same as in 1994, but an increase from 2.65 million in 1993. According to the Union Home Ministry, the total number of civil and criminal cases pending for 3 or more years in all courts throughout the country was 5,116,895 on December 1998. In its latest report, the NHRC reported that nearly 80 percent of all prisoners held between April 1996 and March 1997, were so-called "under-trials," i.e., unconvicted remand prisoners awaiting the start or conclusion of their trials. In its 1997-98 report, the NHRC stated that it "remains deeply disturbed by the presence of a large number of under-trial prisoners in different jails in the country." In March 1999, the chairman of the NHRC said that 60 percent of all police arrests were "unnecessary and unjustifiable," and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The NHRC reported in February 2000 on its November 1999 visits to jails in Guwahati (see Section 1.c.). The Commission found that 90 percent of the 780 inmates were unconvicted prisoners awaiting completion of trial.

In May the NHRC ordered the Madhya Pradesh government to pay \$6,500 (300,000 Rs) to brothers Manoj and Narendra Tak for their illegal detention in June 1998. The police had raided their house on a false complaint by Manoj's father-in-law. The Madhya Pradesh police took the brothers away to Gwalior, Madhya Pradesh, where they were implicated falsely in a local robbery case. In April 2000, the Madhya Pradesh government instituted a departmental inquiry into the matter and found that the Gwalior police had tried the brothers on a false complaint and had misused police authority to settle private scores. In February 2000, the NHRC directed the Orissa government to pay \$1,044 (50,000 Rs) as interim relief to a 16-year-old boy who was victim of illegal detention and torture by police at Kandhamal. Accused of theft, the boy was sent to a regular prison to await trial, rather than a juvenile home. In March the NHRC reported that it had directed the West Bengal government to pay \$1,044 (50,000 rupees) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents' murder. On July 9, Bihar police registered a case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others for alleged illegal detention and torture of a truck driver and cleaner at the minister's residence. The complaint alleges that Yadav kept the two men in wrongful confinement for a month, beat them, and tortured them. The two men's toenails allegedly were pulled out and they were forced to drink urine. Yadav was dismissed from his state government post and from his political party membership.

On November 28, 2000, the Government announced that it was allocating \$108.15 million (5.03 billion Rs) to state governments for the creation of 1,734 additional courts during 2000-05, in order to hear more cases and reduce the number of remand prisoners. At year's end, 500 of these courts had been set up.

There were no political detainees reported during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal Law Ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority.

When legal procedures function normally, they generally assure a fair trial, but the process often is drawn out and inaccessible to poor persons. The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of

the State might be made, or under provisions of special security legislation. Sentences must be announced in public. Defendants have the right to choose counsel from attorneys who are fully independent of the Government. There are effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent. Defendants are allowed to question witnesses against them, present their own witnesses and evidence, and have access to government evidence held against them; however, under the Prevention of Terrorism Ordinance, preventive detention can be authorized for up to 180 days, effectively shifting the burden of proof to the defendant.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, with the result that personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functions due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir are reluctant to hear cases involving terrorist crimes and fail to act expeditiously on habeas corpus cases, if they act at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year. Many more accused militants have been in pretrial detention for years. In April 2000, the Jammu and Kashmir Home Minister submitted a written statement to the state assembly acknowledging that 115 foreign militants (primarily from Pakistan, but reportedly also from Afghanistan and Tajikistan) jailed in the state and elsewhere had not been tried, despite the fact that many of them had been imprisoned for 10 years (see Section 1.d.).

Criminal gangs in all four southern states have been known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons have been attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary to visit the country during the year, but the Government did not grant the Rapporteur permission to do so.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The government Enforcement Directorate (ED), which is mandated to investigate foreign exchange and currency violations, searches, interrogates, and arrests thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicts very few persons. According to official figures, in 1999, the latest year for which figures are available, there were 387 searches or raids by the ED, resulting in 107 prosecutions and 29 convictions.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central Government.

In June the Information Technology Act was passed. The Act includes provisions that grant the police powers to search premises and arrest individuals without a warrant. Under the act, the maximum sentences for failing to provide information to the Government on request and transmitting "lascivious" material are 1 year and 5 years respectively. The act also requires Internet cafes to monitor Internet surfing and inform the authorities (see Section 2.a.). At year's end, one person had been arrested under the act, he was released after some confusion about the nature of the alleged offense. NGO's criticized the act, stating that its provisions were draconian.

The Government does not restrict citizens' personal appearance; however, in Kashmir and Manipur dress codes have been announced. The Kanglei Yawon Kanna Lup in Manipur has announced a dress code for the state's women that bans the wearing of saris, salwar kameez, and trousers. The group has threatened to punish with death women who violate the code and it urged women to wear the traditional Phanek and Chador on all occasions, but allowed girls to wear salwars as school uniforms. In Kashmir, the terrorist group, Lashkar-e-Jabba has ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear

identifying saffron headscarves (see Sections 2.c. and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Government forces continue to commit numerous serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces are deployed in Jammu and Kashmir, although the Government does not release official figures. The Muslim majority population in the Kashmir valley suffers from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, security force personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. The security forces continue to abduct and kill suspected terrorists, but they do not accept accountability for these abuses. Many commanders' inclination to distance their units from such practices has led to reduced participation in them and a transfer of some of these abuses to government-supported countermilitants.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see Section 1.d.), security forces abduct and sometimes use civilians as human shields in night patrolling and searching for landmines; the abuses so far have occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly have been underreported greatly. In April in Danipora, South Kashmir, soldiers of the Indo-Tibetan Border Police told passengers on a public bus to move to the side from which they expected militants to fire. A woman was shot and her baby killed.

The incursion of Pakistan-backed armed forces into territory on the Indian side of the line of control in the state of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. According to a credible government source, as of early December 1999 over 450 militants had been killed since the Kargil conflict began. That trend continued, with reliable sources reporting that security forces had killed 1,239 militants during the year. In September 1999, then chief of army staff General Ved Malik said that security forces were killing 150 to 160 militants every month in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses. Militants carried out several execution-style mass killings of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (see Sections 1.a. and 5). Militant groups also killed police officers and members of the security forces. In January in Rajouri district, 15 persons were shot, apparently by militants, in their homes. Also in January, militants stormed a police control room in Srinagar, killing 8 policemen. In July a suicide attack by Lashkar e Tayyiba terrorists on an army camp in Magam, Kupwara District, killed five soldiers. Another Lashkar e Tayyiba attack on an army convoy in Khanabal killed four soldiers.

In addition to political killings, kidnappings, and rapes of politicians and civilians (see Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants are not citizens but Afghani, Pakistani, and other nationals. Since the 1990's, the militants have made liberal use of time-delayed explosives, landmines, hand grenades, and snipers. Militants previously had restricted landmine use to army convoys traveling outside of major cities, but during the year they used command-detonated landmines in Srinagar city. There was a significant upsurge in militant violence against security forces, and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. On September 26, an explosion derailed 7 coaches of a passenger train, injuring 25 persons and seriously wounding 3. Twelve persons, including five assailants, were killed when a suicide squad stormed the Parliament in New Delhi on December 13. On October 1, 38 persons were killed in a suicide attack at the assembly in Kashmir by suspected Islamic militants. At least 30 persons, including 8 civilians, were killed by cross-border shootings on October 27 after militants blew up a police jeep, killing 5 officers. Four persons including a judge were killed on December 5 when their vehicle was ambushed by militants. In January 2000, a bomb explosion in a Srinagar market killed 16 persons, including 3 security force members. In March 2000, militants hurled hand grenades at a police patrol in Bandipora town, killing 3 civilians and injuring 11 others. In April 2000, a 15-year-old boy recruited by militants died in an explosion when he attempted to drive an explosive laden car into army headquarters, Srinagar; four soldiers and three civilians were injured in the attack. In May 2000, four soldiers were killed when their vehicle hit a landmine planted by militants at Nihalpura village, Baramula district.

Extremist and terrorist activities in the Northeast also claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges, and the laying of time bombs on roads, on railway tracks, and in trains. In April week-long fighting between 2 Naga insurgent groups left more than 45 persons dead; 4,500

persons were forced to flee 15 villages in Mon district (see Section 2.d.). In 2000 at Pahalgam, armed militants descended on a camp of Hindu religious pilgrims and fired automatic weapons at the pilgrims' tents, the unarmed civilians in the camp, their local porters and guides, and nearby army personnel, killing 32 persons, primarily unarmed civilians. In February 2000, Assam Minister for Public Works and Forests Nagen Sharma and four others were killed when suspected ULFA militants detonated an explosive device as the minister's vehicle passed a near Nij-Bahjani, Nalbari district. In March 2000, suspected ULFA militants attempted to kill a second Assam minister, Hiranya Konwar. They detonated an improvised explosive device as the minister's car neared Rongali Doegarh, Sivasagar district; no persons were injured in the attack. In May 2000, 5 persons were killed and 11 others were injured when militants threw a hand grenade into a passing jeep at Manikerbasti, west Tripura. Also on May 2000, UBLF militants lobbed bombs at a passenger jeep from north Maharanipur in Khowai, killing 5 tribal and injuring 11 others. The next day, 15 persons were killed when suspected NLFT militants threw hand grenades at Bengali villagers in Baghber village, Tripura. The militants then attacked villagers with machetes and set fire to 60 homes in the village.

In October, in Jarkhand state, Naxalites attacked a police station, killing 12 policemen and looting weapons. In February 2000, a Naxalite mine blast killed 21 persons in Bihar (see Section 5). In March 2000, Naxalites killed Andhra Pradesh minister for local government A. Madhava Reddy in a landmine explosion near Hyderabad. Reddy was returning from a political rally. As home minister in the state from 1994-95, Reddy had overseen anti-Naxalite operations. In a letter to the PUCL, G.N. Saibaba, general secretary of the All India People's Resistance Forum; Varavara Rao, executive member of the Revolutionary Writers Association; and Gadar, general secretary of the All India League for Revolutionary Culture alleged that police had summarily executed three unarmed members of CPI(M) on February 1. The three writers alleged that police detained the three victims--Kumar, Sujanta, and Venkanna--in Musmi village, Warangal district. The PUCL alleges that police killed five women in an April 2000, encounter in the Chandragiri Hills, Warangal district, Andhra Pradesh. According to the human rights organization, police surrounded the women and lobbed hand grenades at them, killing them.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, there are some limitations. A vigorous and growing press reflects a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly publish investigative reports and allegations of government wrongdoing, and the press generally promotes human rights and criticizes perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories; nonetheless, while the Government at times interprets this power broadly to suppress criticism of its policies, the Government introduced a right to information bill in the 2000 Monsoon Session of Parliament. However, later in 2000 the bill lapsed; it was reintroduced and at year's end it was pending approval in Parliament. According to the government press agency, Prasar Bharati, in the electronic media 90 percent of the channels are private, and 10 percent are operated by a semi-autonomous body which is controlled by the Government. In the print media, all publications are private. The wire services both are semi-autonomous.

The Newspapers Incitements to Offenses Act remains in effect in Jammu and Kashmir. Under the act, a district magistrate may prohibit the press from publishing material resulting in incitement to murder or any act of violence. As punishment the act stipulates that the authorities may seize newspapers and printing presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, report in detail on alleged human rights abuses by the Government, and regularly publish press releases of Islamic militant Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with militant leaders and filed reports on government abuses.

Journalists covering civil conflicts have been vulnerable to national security laws. During the year, the Prevention of Terrorist Ordinance (POTO) was promulgated again after having faced strong opposition when introduced in 2000. With the likely implementation of the POTO, journalists could face a series of problems. For example, the bill contains provisions that would compel journalists to tell authorities what they know of terrorist activities for face possible jail terms. Under the POTO, a journalist potentially could be jailed for an unspecified period of time for the refusal to reveal information about alleged criminal or terrorist sources. Like

its predecessor, the TADA, the proposed bill would dispense with constitutional guarantees for due process, allowing for preventive detention. In Assam the state government has attempted to impede criticism by filing a number of criminal defamation charges against journalists.

The Press Council of India is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticizes newspapers or journalists it believes have broken the code of conduct, but its findings, while noted by the press community, carry no legal weight.

At the state level, regional political parties have the ability to censor regional media. In some instances, allegations of violence against journalists have been made against state governments. According to Reporters Without Borders, in July 2000, a magistrate in Sibsagar town, Assam, beat Parag Saikia, a journalist of the daily newspaper Aji. The magistrate reportedly had summoned the journalist for publishing a July 2000, article about the local authorities' alleged involvement in corruption. The journalist later was admitted to the hospital with various injuries. In July and August 2000, in the state of Andhra Pradesh, state police obstructed or attacked journalists and photographers in at least 10 different cities as they attempted to report on civil disturbances resulting from protests over power tariff hikes.

In Calcutta the CPI(M) often threatens journalists; however, as the power of the party diminishes, journalists find it easier to criticize the government. At least nine journalists in 2000 were injured while attempting to give a deputation to the director of information. The alleged assailants were state information officers, government employees owing allegiance to the Marxist government. In July 2000, alleged members of the CPI(M) severely beat a team of three reporters and a cameraman of ETV, a new vernacular cable television channel. Another reporter was injured severely in state finance minister Asim Dasgupta's constituency during municipal elections (see Section 3). On numerous occasions, CPI(M) supporters beat reporters of another Bengali cable channel, Khas Khobor. Earlier in 2000, CPI(M) officially requested its supporters to boycott the channel. The matter was resolved when a former CPI(M) activist replaced the editor.

Nonviolent pressure on journalists comes from official sources as well: the editor of the vernacular daily newspaper Naharolgi Thoudang was arrested in 2000 on charges of indulging in antinational activities. He was released after a court ruled that the allegation was baseless. In Assam a similar incident occurred as police intercepted the editor of the largest Assamese daily in April 2000, accusing him of having participated in a function organized by a militant organization. In April 2000, the Assam Human Rights Commission requested the police to report on the detention of Asomiya Pratidin editor Haider Hussain for visiting an ULFA camp in Bhutan; police detained Hussain in the first week of March. The Commission cited the constitutional guarantee of freedom of expression; Hussain was released several days later. Some newspapers receive more than \$1.29 million (60 million Rs) annually in advertising revenue from the state government. The threat of losing this revenue contributes to self-censorship by smaller media outlets, which heavily rely on government advertising.

The Government maintains a list of banned books that may not be imported or sold in the country; some-such as Salman Rushdie's "Satanic Verses"--because they contain material government censors have deemed inflammatory.

In the northeast part of the country, violence against journalists has become a problem and also results in significant self-censorship. The Asian Age reported on April 26 that a mob made up of members of Shiv Sainiks attacked special correspondent Vaibhav Purandare in Mumbai. The newspaper stated that the attack was without provocation. According to the CPJ, on May 10, 17 journalists were attacked by members of the Border Security Force (BSF).

The attack by the BSF left 11 persons dead, 8 of them civilians, and 3 journalists were hospitalized. The attack occurred in Magam, Kashmir, while the journalists were covering a funeral procession. The Associated Press reported that the BSF inspector-general apologized for the attack; the police investigation into the incident was ongoing at year's end. On June 20, Uttar Banga Sambad reported that two electronic media journalists were attacked in Malda by a contractor's agents while trying to take photographs of the work done under the supervision of the local governing body.

On June 26, two foreign journalists who had been detained by the Assam police for allegedly having met United Liberation Front of Assam (ULFA) militants in Bhutan were released. An official spokesman stated that they were detained for interrogation because there were reports that government they had met ULFA militants in an area where many militants are known to be located.

On June 27, Tamil Nadu police arrested Suresh, a Sun TV reporter, after he and other local journalists accompanied an opposition leader to a government storehouse. According to press reports, the journalist was charged with threatening the staff of the storehouse. After the arrest, 150 media workers were taken into custody while attempting to hold a demonstration demanding the release of Suresh. The government of Tamil Nadu released Suresh from prison on June 29, but the charges against him still are pending.

Intimidation by militant groups causes significant self-censorship by journalists. According to the Committee to Protect Journalists, assaults on journalists in Kashmir decreased compared from past years, however the local press continued to face pressure from militant groups attempting to influence coverage. The state-owned broadcast media, generally viewed as sources for this dissemination of information by the federal government, remained a target. Militants fired three rifle-propelled grenades at the national Doordarshan television (DDTV) network in Srinagar, on March 18 and detonated a bomb outside the compound of Radio Kashmir on April 15. No one was injured in these incidents. On May 23, Tripura Darpan reported that the house of Mrinal Shara, a correspondent for an Assamese daily, was attacked by a group of armed youths who threatened him for his reporting.

Pradeep Bhatia, a photographer for the national daily The Hindustan Times, was killed in Srinagar on August 10 in a bombing explosion carried out by the Kashmiri group Hizb-ul-Mujahideen. However, a Hizb-ul-Mujahideen spokesman claimed that the attack was aimed at the Indian security forces and expressed regret over Bhatia's death.

According to the CPJ, in January 2000, English-language newspapers throughout Gujarat received written notice from the Bajrang Dal, a radical Hindu nationalist group, threatening them with dire consequences if they continued to publish exaggerated reports of anti-Christian violence (see Sections 2.c. and 5). In 1999 Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

On July 5, a Bengali-language daily in Guwaati reported that an employee of Aajir Asam newspaper was beaten severely by police while he was returning home from his office. On August 12, 12 members of the press were injured when police charged them with batons while they were reporting on a DMK rally. According to local news reports, the police also destroyed cameras and film owned by the photographers who recorded the incident. The government of Tamil Nadu and the Press Council of India ordered an investigation into the incident by a Joint Commissioner.

In July 2000, V. Selvaraj, a journalist with the biweekly Nakkeeran, was shot and killed in Perambalur, Tamil Nadu. Thirteen persons were charged in connection with Selvaraj's killing. A motive for the killing has not been established; however, local police maintain that there was personal enmity between Selvaraj and his 13 assailants. The trial had not begun by year's end.

Television no longer is a government monopoly, but this is due more to technological changes than to government policy. Private satellite television is distributed widely by cable or dish in middle-class neighborhoods throughout the country. These channels have been providing substantial competition for DDTV, the national broadcaster, in both presentation and credibility because DDTV frequently is accused of manipulating the news for the benefit of the Government; however, cable operators are not free of criticism. In some parts of the country, to varying degrees, satellite channel owners use their medium to promote the platforms of the political parties that they support.

Certain government measures to control objectionable content on satellite channels--specifically, tobacco and alcohol advertisements--are still in effect and hold cable distributors liable under civil law. Cable operators in New Delhi and some other areas held a 3-day blackout during the Olympic Games in 2000 to demonstrate their concern over the measures. The Government since has clarified its position, stating that the (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remains a government monopoly. Private FM radio station ownership was legalized during 2000, but licenses only authorize entertainment and educational content. Licenses do not permit independent news broadcasting.

A government censorship board reviews films before licensing them for distribution. The board censors material deemed offensive to public morals or communal sentiment. In 2000 Hindu fundamentalist groups resorted to violence and disrupted the shooting of "Water," a film involving the exploitation of widows, as they claimed it offended Hindu sentiments. Producers of video newsmagazines that appear on national television are required to submit their programs to DDTV which occasionally has censored stories that portrayed the Government in an unfavorable light. This has led to self-censorship among producers, so that DDTV rarely has to exercise its power of censorship.

The Government limits access to the Internet. The Information Technology Act, passed in May 2000, provides for censoring information on the Internet on public morality grounds, and it considers "unauthorized access to electronic information" a crime. According to Reporters Without Borders, this law allows police officers to search the homes or offices of Internet users, at any time and without a warrant. Anyone running an "anti-Indian" site risks up to five years in prison. In March 2000, Sikhbir Singh Osan lost his press accreditation because a web site he allegedly ran provided information about Sikhs community and reports on human rights abuses against the Sikhs. During the monsoon session of parliament, the Government introduced a Convergence Communication Bill that seeks to set up a common regulatory body for telecommunication, information technology, and broadcasting. The bill was referred to a select committee of Parliament and has yet to be passed.

Academic freedom is not restricted, and students and faculty espouse a wide range of views. In addition to about 10 national universities and 256 state universities, states are empowered to accredit locally run private institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes require permits and notification prior to holding parades or demonstrations, but local governments ordinarily respect the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely are denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by militants.

On February 2, eight tribal villagers were killed when police fired on a group of persons protesting against the Koel-Karo dam project. The state government ordered an inquiry into the incident (see Section 5). In June two tribal activists were killed after police fired on a group protesting the partisan attitude of the local police in a molestation case (see Section 1.c.). While the police claim that the demonstrators were armed and attacked police, local human rights activists allege that they were peaceful and unarmed.

In March 2000, Calcutta police beat primary school teachers participating in a peaceful procession to the legislative assembly, after holding a meeting on demands they had made of the state government. On August 13 and 14, 2000, police killed two persons and injured three others after they fired on a crowd of 1,500 Muslims in Agra. The crowd had gathered to protest efforts by majority Hindus to prevent them from using a plot of land close to a Hindu temple. The minority community wanted to use the land, which was under the supervision of Muslim religious authorities, as a graveyard. Police allege that the protesters turned violent, throwing bombs and bottles filled with acid at police. The police maintain that they fired at the crowd with live ammunition only after efforts to quell the disturbance with tear gas and rubber bullets had failed. Some of the protesters told reporters that the police actions were unprovoked (see Sections 1.a. and 1.g.).

According to AI, in August 2000 the Gujarat government detained approximately 600 persons who were planning to attend a hearing on the Narmada dam (see Section 2.d.). The police charged the protestors with disturbing the peace and released them shortly after their arrests.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

In 1999 the Government introduced and enforced a new requirement that NGO's secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contend that the requirement provides the Government with substantial political control of the work of NGO's, abridging of their freedom of assembly and association.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, it sometimes does not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. India is a secular state in which all faiths generally enjoy freedom of worship; government policy does not favor any religious group. However, tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continues to pose a challenge to the secular foundation of the State (see Section 5). In addition governments at state and local levels only partially respect religious freedom.

Although the law provides for religious freedom, enforcement of the law has been poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances has abridged the right to religious freedom. In particular, some Hindu extremist groups continued to attack Christians during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Christians, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (see Section 5). Throughout the year, the Government generally described the violence and attacks as a series of isolated local phenomena, in some states calling for a national debate on conversions, which Hindus had advocated being banned.

The Government is led by a coalition called the National Democratic Alliance, which has pledged to respect the country's traditions of secular government and religious tolerance. However, the leading party in the coalition is the Bharatiya Janata Party (BJP), a Hindu nationalist political party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Uttar Pradesh. Many BJP leaders and party workers are members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. However, the BJP is an independent political party, and the degree of RSS influence over its policy making is not clear. The RSS espouses a return to Hindu values and cultural norms. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially agrees that the caste system should be eliminated, but many of its members are ambivalent about this. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions.

In mid-October 2000, the RSS held a 3-day rally in Agra, which more than 75,000 Hindus reportedly attended. Speaking at the rally, RSS chief K.S. Sudarshan sparked controversy when he called for banning foreign churches and creating a national Christian Church based on the Chinese model. Sudarshan reportedly also encouraged Christian citizens to free themselves from the strong influence of foreign countries by setting up Indian nationalistic churches. Of particular concern for minority groups was Home Minister L.K. Advani's highly publicized participation at the Agra rally and vocal support of the RSS on his return to New Delhi. All of these proposals are opposed strongly by some minority religious groups. The BJP-led national Government took no steps to implement these controversial measures and has promised that it would not do so during its tenure.

In December 2000, a Christian school near Ranchi in Jharkhand state decided to close after a series of attacks, including assaults and an alleged rape, against teachers and staff. The police blamed a local criminal gang for the assaults, and arrested four persons. One policeman was suspended for dereliction of duty.

On March 23, alleged BJP and RSS activists attacked a Christian congregation at Chevalla in Andhra Pradesh. The alleged reason behind the attacks was the pervasive perception that Christians were encouraging conversions of Hindus.

In late March, some Christian leaders, believing that violence against Christians had declined significantly since the summer of 2000, agreed among themselves to meet with leaders of Hindu organizations. Under the aegis of the NCM, talks were proposed to discuss conversions, the issue of a "swadeshi" (i.e. indigenous) church, and attacks on Christians. However, by year's end, such talks had not begun, as neither Christians nor Hindus had been able to reach agreement on their respective positions.

On May 7, a Christian priest, Father Jaideep, was attacked in Jatni town, Orissa. Local citizens who were enraged by the priest's distribution of pamphlets to propagate Christianity in a Hindu-dominated area allegedly participated in the attack.

During the year, the RSS angered minority communities by publicly challenging the "Indian-ness" of religious minorities. On December 31, RSS chief K. Sudarshan addressed a meeting of volunteers of the Hindu Swayamsewak Sangh (a global organization of expatriate Hindus) in a suburb of Mumbai. He said that only the RSS can serve as the bulwark against what he claimed was the Catholic Church's agenda of converting large Asian populations.

On March 8, Sudarshan again made a speech advocating the "Indianization" of Islam and Christianity. He said that "they should sever their links with the Mecca and the Pope and instead become swadeshi." Catholics took special exception to this; the Archbishop of Delhi pointed out that the Indian Christian church is 2,000 years old (traditionally dating from the Apostle Thomas), and that although the spiritual head was the Pope, the day-to-

day administration of the church was entirely in Indian hands. The RSS published an article entitled "Foreign Missionaries, Quit India: RSS" in their journal *The Organiser*, in which they attacked missionary-backed Christian institutions in the country.

Citizens often refer to schools, hospitals, and other institutions as "missionary" even when they are owned and run entirely by indigenous Christian citizens. By using the adjective "missionary," the RSS taps into a longstanding fear of foreign religious domination.

Christian leaders detected a slight decrease in the incidents of violence against their community and also a change in the type of incidents. In late April, a spokesman for the Catholic Bishops' Conference of India said that while the incidents of violence against the Christian community had decreased in the previous 6 to 8 months, "that does not mean that the threat perception has also decreased" among Christians. The Government found that 80 percent of attacks on minorities were motivated by local incidents, economic arguments, or intradenominational feuds.

By year's end, the trial continued in Orissa of Dara Singh, a member of the Hindu extremist Bajrang Dal, who was arrested on January 31, 2000, for the Staines murders. In October 2000, a 13-year-old member of the mob responsible for the murders was sentenced to 14 years in prison. The trial of the other 14 arrested persons still was proceeding at year's end. In May a witness in the trial identified Dara Singh as the person who put straw under Staines's car and set it on fire. Previously, witnesses had been unwilling to identify Dara Singh.

In Christian majority areas, Christians sometimes are the oppressors. In Tripura there were several cases of harassment of non-Christians by Christian members of the National Liberation Front of Tripura (NLFT), a militant tribal group with an evangelical bent. For example, NLFT tribal insurgents have prohibited Hindu and Muslim festivals in areas that they control, cautioned women not to wear traditional Hindu tribal attire, and prohibited indigenous forms of worship. In Assam, where the population is increasing rapidly, the issue of Bangladeshi migrants (who generally are Muslim) has become very sensitive among the Assamese (predominantly Hindu) population, which considers itself to be increasingly outnumbered.

Human rights groups and others have suggested that the response by authorities in some states to acts of violence against religious minorities by Hindu extremist groups has been ineffective, at least in part because of the links between these groups and the BJP, and have noted that the ineffective investigation and prosecution of such incidents may encourage violent actions by extremist groups. Some Christian groups also claim that BJP officials at state and local levels have become increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country's radical Hindu groups.

The degree to which the BJP's nationalist Hindu agenda is felt throughout the country with respect to religious minorities varies depending on the region. In some states, governments made efforts to reaffirm their commitment to secularism. In others, mainly in the south, religious groups allege that since the BJP's rise to power in the national Government, some government bureaucrats have begun to enforce laws selectively to the detriment of religious minorities. The situation in the east varied. For example, the Orissa government in November 1999 notified churches that religious conversions could not occur without notification of the local police and district magistrate. The Orissa Freedom of Religion Act contains a provision requiring a monthly government report on the number of conversions and requiring a police inquiry into conversions, but this provision has not been enforced.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion. For example, some states reserve jobs and educational enrollment slots for Muslims, who do not benefit from reservations designed to help lower-caste Hindus.

In May the Government banned Deendar Anjuman, a Muslim group many of whose members were arrested in connection with a series of church bombings in Karnataka in 2000. The Government banned the group for "fomenting communal tension" and actions "prejudicial to India's security." During the year, the Government arrested, tried and sentenced members of Deendar Anjuman implicated in the Karnataka church bombing.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The state of Uttar Pradesh passed the Religious Buildings and Places Act during the state assembly budget session of March-May 2000. The act requires a state government-endorsed permit before construction of any religious building may commence in the state. The act's supporters claim that its aim is to curb the use of Muslim institutions by Islamic fundamentalist terrorist groups, but the measure has become a controversial political issue among religious groups in the northern part of the country. In West Bengal legislation is in force requires any person

desiring to construct a place of worship to obtain permission from the district magistrate.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but since the mid-1960's the Government has refused to admit new resident foreign missionaries. New arrivals enter as tourists on short-term visas. During the year, as in the past, state officials refused to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. This restriction is not levied specifically against Christians. Many foreigners, including diplomats, are refused permits to the country's northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government is empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition.

In March 2000, the government of Gujarat convinced a BJP legislator to withdraw a bill that sought to regulate Christian missionary activity within the state; the bill was written to prohibit "forced" or "induced" conversions--a crime that would have been punishable by a fine and up to 3 years in prison. In May 2000, the Gujarat government withdrew permission for state government workers to engage in RSS activities; however, in January 2000, the Gujarat state government revoked such a ban on activities for state workers. Despite these steps by the state and national governments to address communal concerns, many in the minority communities continued to express unease about BJP rule.

The legal system accommodates minority religions' personal status laws; there are different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. Under the Indian Divorce Act, a Christian woman may demand divorce only in cases of spousal abuse and certain categories of adultery; for a Christian man, adultery alone is sufficient. In 1997 the Mumbai High Court recognized abuse alone as sufficient grounds for a Christian woman to obtain a divorce. Hindu groups such as the RSS are pushing for a uniform civil code that would treat members of all religions alike.

The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during the year; the Act widely had been criticized as biased against women. The act places limitations on interfaith marriages and specifies penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. Under the act, no marriage in which one party is a non-Christian may be celebrated in a church.

Violent attacks against Christians by Hindus, which began in late 1998, continued during the year. In general, religious minorities in the northern area of the country claim that the regional governments' attitudes toward their communities have deteriorated since the BJP assumed power in 1998, and are concerned that attacks on religious minorities no longer appear to be confined to Gujarat and Orissa. In the north, sporadic attacks against Christians that began in April 2000 continued into the summer of 2000. The Government dispatched the NCM to investigate the attacks in the north, but the NCM's findings that the attacks were not "communal in nature" led to widespread criticism in the minority community. There is strong evidence that the NCM report misrepresented the victims by claiming that the victims were entirely satisfied that there was no religious motivation behind the violence; in fact, Christian groups in the north believe that these incidents were religiously motivated. Victims of the incidents claim that the local police were not responsive either before or during the attacks. By year's end, no arrests had been made.

The eastern part of the country presented a varied picture with regard to religious freedom during the year. Sporadic attacks continued but were not concentrated in one geographical area. The political leanings of the state governments in the eastern region did not appear to correlate with their level of protection for religious freedom. In Orissa, which has been known for violence against religious minorities (particularly after the murders of Australian missionary Graham Staines and his two young children there in January 1999), the communal situation remained relatively unchanged during the year, despite the installation of a BJP-Biju Janata Dal (BJD) government in February 2000. The Orissa government in November 2000 notified churches that religious conversions could not occur without the local police and district magistrate being notified in order to give permission; however, this does not appear to have been enforced. The Orissa Freedom of Religion Act contains a provision requiring a monthly report from the state on the number of conversions; district officials are required to keep such records. After a conversion has been reported to the district magistrate, the report is forwarded to the authorities, and a local police officer conducts an inquiry. The police officer can recommend in favor of or against the intended conversion, and is often the sole arbitrator on the individual's right to freedom of religion; if conversion is judged to have occurred without permission from the district magistrate or with coercion, the authorities may take penal action. There were no reports that the district magistrate denied

permission for any conversions. There were several attacks by Hindu groups against Christian institutions in Uttar Pradesh in April 2000 (see Section 5). The BJP government in Uttar Pradesh initiated an investigation by intelligence agencies into the June 2000, custodial killing of a witness, Vijay Ekka (see Sections 1.a. and 5); the Government also announced plans to set up a judicial inquiry by a sitting judge from the state High Court. The Mathura superintendent of police was transferred because of the Ekka killing; however, no further information was uncovered and no other persons were held accountable by year's end.

On June 26, the NHRC ordered states affected by Hindu-Christian violence to provide written reports detailing the violence against Christians and the actions taken by state governments. No reports were made public by year's end, and according to human rights activists, states had not submitted them.

On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. In some instances, local police and government officials abetted the violence, and at times security forces were responsible for abuses. Police sometimes assisted the Hindu fundamentalists in perpetrating violent acts (see Section 5). In April the state's Chief Minister Digvijay Singh strongly stated that his government would deal equally strictly with any violence committed by either Hindu or Muslim fundamentalist groups. Following riots in Ahmedabad, Gujarat from August 5 to 7, 2000 some police officers allegedly forced some Muslim residents to sing the Sanskrit anthem to prove that they were not "antinational" (see Section 5). Government officials allegedly also subjected Christian-affiliated foreign relief organizations to arbitrary roadblocks; many of these organizations are not engaged in religious activities (see Section 4). In a few instances, state governments investigated and sometimes arrested suspects in cases of anti-Christian violence. For example, after an Australian missionary was killed in Orissa in 2000 (see Section 5), several suspects were arrested. During the year, these suspects were tried under the Central Bureau of Investigation (CBI), and the trial is continuing at year's end.

The Government has taken steps to promote interfaith understanding. The National Integration Council is a nonstatutory body with an objective of maintaining social tranquility and communal harmony. The NCM and the NHRC have appointed members and are tasked respectively with protecting the rights of minorities and protecting human rights. These governmental bodies investigate allegations of discrimination and bias, and can make recommendations to the relevant local or central government authorities. These recommendations generally are followed, although they do not have the force of law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally enjoy freedom of movement within the country except in certain border areas where, for security reasons, special permits are required.

Vehicle checkpoints, at which Border Security Forces routinely search and question occupants, are a common feature throughout most of Jammu and Kashmir. It also is common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tend to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yield any results. There are frequent curfews in areas of conflict, including in New Delhi in recent years. Under the Passports Act, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." The Government uses this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. In April 2000, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th U.N. Commission on Human Rights (UNCHR) meeting in Geneva (see Section 4). Abdul Majid Banday, Mohammad Tufail, Mohannad Amin Bhat, and Abdul Rashid Lone, had valid passports and letters of accreditation as members of a U.N.-recognized NGO, but authorities prevented them from boarding their flight.

Citizens may emigrate without restriction.

In September 2000, the PUCL reported that Bangalore police arrested 30 persons peacefully demanding access to public information on construction of the Bangalore-Mysore information corridor. The Karnataka government has proposed acquiring more than 20,000 acres of land in 168 villages. Those arrested were concerned about the status of farmland and homes in the village resulting from the planned government construction of an expressway between the two cities.

In October 2000, the Supreme Court ruled that construction of the Sardar Sarovar Dam on the Narmada River in Gujarat could begin immediately, reaching a height of 90 meters, and could proceed in stages thereafter up to a finished height of 138 meters. The ruling stipulated that those displaced by the dam would be compensated. However, many human rights advocates and NGO's continued to allege that the construction of the dam would displace 40,000 families without adequately compensating those who are resettled (see Section 2.b.). Opponents, led by the Narmada Bachao Andolan, maintain that neither the state of Maharashtra

nor the federal government has the means to resettle persons as they previously have promised.

Bodo-Santhal ethnic clashes, which began in April 1998, continued throughout the year. In December four Santhal woodcutters were killed by Bodo militants. More than 87,000 persons live under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The incursions of Pakistan-backed armed forces into territory on the Indian side of the line of control in Jammu and Kashmir and the Indian military campaign to repel the intrusion continued during the year, and allegedly forced many residents of Jammu and Kashmir from their homes, a number of whom allegedly took refuge on the Pakistani side of the line of control. Many had their homes destroyed. Since 1999 artillery shelling of the region by Pakistan has kept many of the internally displaced persons from returning and driven others from their homes. In October 2000, Jammu and Kashmir home minister Mustaq Ahmad Lone told the state assembly that 43,510 persons remained displaced since 1999 (see Sections 1.a., 1.c., and 1.g.).

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that has been conducted by the Maharashtra government in the past. The Government estimates that there are 10 million Bangladeshis living illegally in the country. In August 2000, the Supreme Court ordered the central Government to repeal the Illegal Migrants Determination by Tribunal (IMDT) Act by January. The court ruled that the law, which largely is aimed at illegal Bangladeshi immigrants, is being applied only in Assam, and therefore is discriminatory. By year's end, the order had not been complied with. The central Government acknowledged that the law had been applied discriminatorily and was aimed at Bangladeshis, but claimed that it was unable to repeal the act due to a lack of consensus on doing so in Parliament. The Congress Party, which governs the state of Assam, is opposed to the repeal of the act, and stalled its repeal in Parliament.

The law does not contain provisions for processing refugees or asylum seekers in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, nor is there a clear national policy for the treatment of refugees. The office of the U.N. High Commissioner for Refugees (UNHCR) has no formal status, but the Government permits the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees, Sadako Ogata, visited the country in May 2000 (see Section 4).

The Government has not permitted the UNHCR to assist other refugee groups, including Sri Lankan Tamils, to whose camps in Tamil Nadu the Government continued to bar access by the UNHCR and NGO's (see Section 4). The Government provides first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy was applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally has resulted in individuals or groups being refused admittance. This has occurred in recent years in cases involving Chin and Rakhine refugees from Burma, and Afghans who entered the country through Pakistan. The UNHCR reports that the country continues to host the largest urban refugee population in the region, roughly 90 percent of whom are from Afghanistan. Refugees are not required to make claims in other countries. Cramped and unhygienic conditions reportedly exist in some of the camps for Sri Lankan Tamils in Tamil Nadu. In April the UNHCR announced that it would stop assisting the Burmese refugees in the country (most from western Burma) with monthly subsistence allowances. However, the UNHCR continued to assist extremely needy refugees including women and children.

The Government recognizes certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provides them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 110,000 Tibetans, approximately 64,990 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. The refugees in the camps are permitted to work, and the state and central governments pay to educate refugee children and provide limited welfare benefits. Many Chakmas from Bangladesh have been repatriated voluntarily, including all of the estimated 56,000 persons who had been residing in Tripura. Some 80,000 Chakma permanent residents remain in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still had not been enforced by year's end. The UNHCR reported that 11,642 Afghans, 857 Burmese, and approximately 350 others were receiving assistance from the UNHCR in the country as of August 31. The Government also assisted an unknown number of persons from Tibet and Sri Lanka. Although the Government formally does not recognize these persons as refugees, it does not deport them. Instead, they received renewable residence permits or their status was ignored. Increasingly during the year, some of these groups--Afghans, Iraqis, and Iranians in particular--were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and

therefore were unable to regularize their status in the country.

The Tamil Nadu government provides educational facilities to Sri Lankan Tamil refugee children, and the central Government provides some assistance and channels assistance from NGO and church groups. The central Government generally has denied NGO's and the UNHCR direct access to the camps. NGO's report refugee complaints about deteriorated housing, poor sanitation, delayed assistance payments, and inadequate medical care in the Tamil refugee camps. The Government uses these "special camps" to hold suspected members of the LTTE terrorist organization. Human rights groups allege that inmates of the special camps sometimes are subjected to physical abuse and that their confinement to the camps amounts to imprisonment without trial. They allege that several of those acquitted by the Supreme Court in May 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi remain confined in these special camps. During the year, the Tamil Nadu government initiated a review of the inmates of the special camps to determine whether any could be released. Some of the inmates were allowed to return to Sri Lanka voluntarily; however, approximately 170 persons remain in the special camps.

Ethnic Chins are among the nonrecognized refugees in the northeastern states, particularly Mizoram. Chins and Chakma refugees have been targeted by student-led demonstrations protesting their presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. In September, there were news reports that thousands of ethnic Chins were being asked to leave Mizoram. The Mizoram Chief Minister stated that he wants the border with Burma to be "fenced to check further infiltration of immigrants into the state." Human rights monitors allege that about 1,000 Chin refugees had been arrested in Mizoram and some 200 had been repatriated forcibly to Burma between July and September 2000. NGO's estimate that 10,000 persons were expelled to Burma, where "the deportees were jailed pending hearings to be scheduled before military tribunals." An estimated 40,000 to 50,000 Chins live and work illegally in Mizoram.

Mizoram human rights groups estimate that some 41,000 Reangs, a tribal group from Mizoram that has been displaced due to a sectarian conflict, presently are being sheltered in 6 camps in North Tripura; conditions in such camps are poor and the Tripura government has asked the central Government to allot funds for their care. Reang leaders in the camps say that their community would return to Mizoram if they were granted an autonomous district council, allotted a set number of seats in the Mizoram assembly, and granted financial assistance for resettlement. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state. In August 2000, following his meeting with Tripura chief minister Manik Sarkar, Union Home Minister L.K. Advani announced that an initial group of Reang refugees would be resettled in Tripura by October 2000, and that repatriation of the entire group would be completed by the end of 2000. Despite these government assertions, the resettlement promised had not taken place by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments are elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court has upheld the Government's authority to suspend fundamental rights during an emergency.

Some 28 persons were killed in election-related violence in state assembly polling in the country (see Section 1.a.), and there were localized allegations of voter fraud.

On January 9, months before the next local election, Sujata Das was killed allegedly by Communist Party of India (CPM) activists, in order to intimidate others. On February 3, three persons were killed by CPM supporters in Sonarpur, South 24 Parganas. On March 16, seven persons were killed when police and members of the RJD exchanged fire in Pratappur village, Siwan district. The dispute between the police and RJD began the day before when the RJD members heckled several policemen who prevented them from entering an examination center in a college. Police later raided the homes of some RJD henchmen, who fired at the officers. The police fired back. In the Bihar local Panchayat elections, held in stages in the first three months of the year, more than 60 persons were killed in election-related violence and many others were

injured. On March 17, CPM activist Sentu Khanra was killed and 7 others were injured by a bomb attack carried out by Trinamul Congress supporters in Pingla, Midnapore district. Violence also erupted after the election results were announced. There were frequent clashes between the CPM and the Trinamul Congress in Burdwan district in May, in which 2 persons were killed and more than 40 were injured. In Assam's state assembly elections in May, the state government advised candidates not to campaign after sunset due to unrest. Despite this warning, ULFA militants killed a state BJP candidate, the BJP general secretary for Assam, and another party worker. Voting irregularities in the West Bengal May election--such as fraud, delaying tactics, and intimidation--were reported widely.

The percentage of women in government and politics does not correspond to their percentage of the population, although no legal impediments hinder their participation in the political process. A large proportion of women participate in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women are represented in all major parties in the national and state legislatures. There are 70 women among the 790 Members of Parliament, including the Deputy Chairperson of the upper house, and there are 8 women in the 74-member Cabinet. The passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which has brought more than 1 million women into political life at the grassroots level. Debate continues over the Women's Reservation Bill, first introduced in Parliament in late 1998. The Government spoke of passing this legislation in the November parliamentary session; however, debate continued at year's end.

The Constitution reserves seats in Parliament and state legislatures for "scheduled tribes" and "scheduled castes" in proportion to their population (see Section 5). Indigenous people actively participate in national and local politics, but their impact depends on their numerical strength. In the northeastern states, indigenous people are a large proportion of the population and consequently exercise a dominant influence in the political process. In comparison, in Maharashtra and Gujarat, tribal people are a small minority and have been unsuccessful in blocking projects that they oppose.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Independent human rights organizations operate throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups face some restrictions. Human rights monitors in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of retribution by security forces and counterinsurgents. Since 1992 several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, have been attacked and in some cases killed. International human rights monitors have had difficulty in obtaining visas to visit the country for investigation purposes.

The Home Minister in recent years has enforced a dormant executive order requiring visitors for some conferences from certain countries to register beforehand. The registration process has been criticized by some human rights groups and academics as a restriction on freedom of information. The People's Union for Civil Liberties filed a Supreme Court motion to invalidate the executive order, but the Supreme Court upheld it. In May 2000, an agent of the intelligence bureau visited and questioned the director of the South Asia Human Rights Documentation Center (SAHRDC) about his travel earlier in the month to Geneva to participate in the meeting of the U.N. Human Rights Commission. According to HRW, in April 2000, a mob of local residents and politicians raided the Almora and Jageswar offices of an NGO working primarily on women's health and empowerment in Uttar Pradesh. The attack allegedly was in response to a pamphlet that the NGO had published in 1999 on HIV transmission, which contained purportedly sexually offensive material. Police and protestors assaulted staff and trainees, and a number of persons were detained for a short period. In April 2000, the Government prevented four members of a Kashmir human rights organization from traveling to the 56th annual meeting of the UNCHR in Geneva (see Section 2.d.).

AI reported the November 2000 killing of human rights defender T. Purushotham in Hyderabad, Andhra Pradesh. A group of unidentified men wielding knives attacked Purushotham, the Joint Secretary of the Andhra Pradesh Civil Liberties Committee, in a local shop. Purushotham was involved in numerous investigations of alleged human rights violations by the police including torture and extrajudicial executions, had been attacked previously, and had received persistent threatening telephone calls. There were no investigations into Purushotham's death during the year.

There was no definitive resolution in the case of abducted and killed Kashmir human rights monitor Jalil Andrabi. Human rights workers allege that the state is attempting to subvert the judicial process by withholding evidence (see Sections 1.a. and 1.b.).

Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that, during the

year, their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (see Sections 2.c. and 5). The prison visits program in Jammu and Kashmir by the ICRC continued during the year (see Section 1.c.). ICRC representatives also continued training police and Border Security Force personnel in international humanitarian law. As in previous years, the authorities continued to deny HRW and AI permission to visit Jammu and Kashmir. The Government denies HRW any access to the country and only allows AI limited access. The West Bengal government, which is communist, and its Chief Minister, Buddhadeb Bhattacharya, have called AI "anticommunist" and have refused to acknowledge that its report on West Bengal was authentic. The Government also continued to deny the U.N. Special Rapporteur on Extrajudicial Killings permission to visit the country. However, in April the Government invited the Special Rapporteur on Torture to visit the country subject to certain conditions; by year's end, the details of the visit had not been settled. Police and security forces have arrested and harassed human rights monitors. The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (see Section 2.d.).

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition the NHRC is directed to contribute to the establishment, growth, and functioning of human rights NGO's. The Government appoints the members and finances the operations of the NHRC. The NHRC is seriously understaffed, and it is prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces.

From April 1, 2000 to March 31, (the latest reporting year), the NHRC received 71,685 new complaints of human rights violations. New complaints of human rights violations to the NHRC rose more than 41 percent during the year compared with 2000. Over 50 percent of the complaints were from Uttar Pradesh. The increased number of complaints is believed to be the result of the Commission's increased visibility. The Commission had 13,512 cases awaiting consideration in 2000. Of the 54,236 cases before it in the 1998-99 year, the Commission reviewed 53,711, leaving 525 awaiting review at the end of 2000. Of the 53,711 cases considered during 2000, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 remained pending.

The NHRC has sought to encourage a culture respectful of human rights by fostering human rights education in schools and universities, by offering assistance and encouragement to human rights NGO's, by supporting training programs for the police, military forces, and paramilitary forces, and by making recommendations to the central and state governments. During the year, the NHRC released a monthly newsletter and operated a web site. The NHRC also has influenced the legislative process, particularly by issuing recommendations on women's issues, persons with disabilities, and children's rights. The NHRC has encouraged the establishment of human rights cells in police headquarters in some states; however, this policy has not been implemented in any meaningful way. The NHRC also was involved in programs to eliminate child labor (see Section 6.c.).

The Human Rights Act requests each state to establish a state Human Rights Commission, but not all states have done so. Commissions exist in 11 states: Assam, Manipur, Himachal Pradesh, Madhya Pradesh, Maharashtra, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan. Karnataka, Goa, and Andhra Pradesh have yet to appoint State Human Rights Commissions. Gujarat has not officially established a state commission, but in August 2000 a commission of inquiry was created to report on the custodial death of Colonel Pratap Save, a retired military officer. This commission has yet to report. Uttar Pradesh, the state with the largest number of human rights complaints to the NHRC, has stated its intention to set up a state human rights commission but has not yet done so. The state human rights commission established in Jammu and Kashmir by an act of the state legislature has no power to investigate independently alleged human rights violations committed by security force members. Credible human rights monitors state that the Jammu and Kashmir Commission has not yet demonstrated effective, independent protection of human rights in the state.

The Madhya Pradesh state human rights commission is active in pursuing complaints. In 1999-2000 the commission received 10,826 complaints, more than double the number from the previous year. In its 1999-2000 report, the commission lamented that at the district level, the government was extremely slow in responding to complaints forwarded to it. Partly as a result, 6,374 complaints were pending as of March 31. Maharashtra's state human rights commission came into existence in March, but it still is waiting for the state government to provide it with satisfactory premises and staff. So far, the commission has received about 150 complaints and dealt with about 20. It has resolved that inspection of prison conditions is to be its first public awareness campaign once it obtains adequate funding.

In Chattisgarh the state government and NGO's held one meeting in January at which NGO's urged the Government to establish a state human rights commission, but Chhattisgarh has not yet done so.

Tamil Nadu's Human Rights Commission has five-members and is presided over by a retired High Court Chief

Justice. It has worked on caste clashes and deaths resulting from illicit liquor sales, but its lack of authority to investigate effectively has barred it from considering major incidents. The three-member Kerala Human Rights Commission is understaffed and relatively inactive, though it has probed prison conditions. In addition to these state human rights commissions, special courts to hear human rights cases have been established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. However, the courts in Uttar Pradesh are not functioning despite a September 1999 court order that they be reactivated.

A People's Commission that was established by retired Supreme Court Justice Kuldip Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (see Section 1.b.) continued to receive little cooperation from state government authorities.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social status

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices have a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous people, and national, racial, and ethnic minorities is a problem. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes are frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women

Domestic violence is common and a serious problem. In a survey of 10,000 women released during 2000, more than half of the women said that violence was a normal part of married life. The Health Ministry released a different survey in 2000 that indicated that, of 90,000 women surveyed, more than half acknowledged being battered. An International Institute of Population Studies survey in 2000 found that 56 percent of women believe that domestic violence is justified. These sentiments, combined with ineffective prosecution, make progress against domestic violence difficult.

The issue of rape has received greater political and social attention than in earlier years. Rape is a common but underreported crime. According to local statistics, in 1999 there were 15,468 reported rapes, 16,381 abductions of women, 41,823 reported cases of torture of women, and 32,311 cases of molestation. Numbers of reports of rape and the extent of prosecution varies from state to state. It was found in Assam that 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as six years old. In April the NHRC requested an explanation from the Chief Minister of Assam as to why he continued to retain a state cabinet member who was accused of raping a minor. The NHRC engaged in correspondence with the Chief Minister's office but has yet to receive a reply. On May 16, Rajan Pradhan was sentenced to death by Kandhamal District Session judge in Orissa for raping and killing an 18-year-old tribal girl in 1999. In July 2000, the NHRC directed the Andhra Pradesh government to pay \$1,100 (50,000 Rs) in compensation to each of four Dalit women who were raped in Godavari district. The NHRC overturned a state ruling that had denied the women monetary compensation because the victims and their attackers were members of low caste and tribal communities. The press consistently reports that such violence against women is increasing, although local women's organizations claim that there simply has been increased reporting. Only 10 percent of rape cases are fully adjudicated by the courts, and police typically fail to arrest rapists, thus fostering a climate of impunity. Mass rapes often form part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often are committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes.

Dowry disputes also are a serious problem. Although providing or taking dowry is illegal under the Dowry Prohibition Act, dowry still is practiced widely. In the typical dowry dispute, a groom's family members harass a new wife whom they believe has not provided a sufficient dowry. This harassment sometimes ends in the woman's death, which family members often try to portray as a suicide or kitchen accident; research suggests that a significant percentage of kerosene attacks also are due to domestic violence. Although most dowry deaths involve lower and middle-class families, the phenomenon crosses both caste and religious lines. According to National Crime Records Bureau (NCRB) statistics, 6,917 dowry deaths occurred in the country in 1998, including 2,229 dowry deaths in Uttar Pradesh, 1,039 in Bihar, 598 in Madhya Pradesh, 500 in Andhra Pradesh, 420 in Maharashtra, 200 in Karnataka, 176 in Tamil Nadu, and 21 in Kerala. Studies in Assam between 1992-97 by the Law Research Institute found 10,423 registered cases of crime against women in the state's 23 districts, which likely is a low figure since it widely is believed that most dowry cases go unreported. LRI statistics show that 17.19 percent of the reported cases are dowry-related harassment or murder. In December in Bihar, police searched for a judge who allegedly had chained up his daughter-in-law in his home and physically abused her over a dowry dispute.

Under the Penal Code, courts must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first 7 years of marriage--provided that harassment is proven. In such

cases, police procedures require that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police do not follow these procedures consistently.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned in 1829, but continued despite the ban. The practice almost has ended, although there have been a few cases since Independence.

In remote villages, witchcraft accusations and punishments still occur. On July 23, a 55-year-old woman accused of being a witch was beheaded by a tribal youth in Orissa. The youth told police that he suspected the woman caused his father's prolonged illness by sorcery. In a similar case, on August 24, Sishu Munda killed a young woman for allegedly practicing witchcraft.

Higher female mortality at all age levels, including female infanticide and sex selective termination of pregnancies, accounts for an increase in the ratio of males to females to 107.9 males per 100 females in 1991, from 104.7 males per 100 females in 1981, and from 102.9 males per 100 females at the turn of the century. In some districts of Tamil Nadu, female infanticide occurs despite government and NGO programs intended to counter the practice. In Punjab there were 822 girls born for every 1,000 boys born in 1991, and 874 girls born for every 1,000 boys during the year. Other states have shown a slight narrowing of the girl/boy ratio. During the year, the highest Sikh religious authority issued a decree that female infanticide was a sin and would result in excommunication. In February 2000, CEDAW expressed concern that "India has not yet established a comprehensive and compulsory system of registration of births and marriages. The Committee notes that inability to prove those important events by documentation prevents effective implementation of laws that protect girls from sexual exploitation and trafficking, child labor and forced or early marriage."

Dalit ("untouchable" caste) women have been stripped naked by mobs, and paraded around in public to humiliate Dalits who offend other castes. In June a Dalit woman allegedly was paraded nude in a Karnataka village following a land dispute with a village landlord. The civil rights office of the Karnataka police aided the investigation after local police allegedly refused to register the case. According to local press reports, another Dalit woman was paraded naked in Karnataka in August due to a dispute between two Dalit castes. The August HRW report states that "the triple burden of caste, class, and gender effectively ensured that lower-caste women are the farthest removed from legal protections."

In Kashmir Lashkar-e-Jabbar, the terrorist group that has required all Muslim women to wear a burqa (a garment which totally covers the face and body) when in public or risk retribution. A significant number of women in the Kashmir valley appear to be complying with the order, frightened by the threat of being attacked with acid. Lashkar-e-Jabbar also had further ordered Hindus and Sikhs in the valley to wear identifying marks and has told transport companies to reserve 50 percent of their seats for women in an effort to separate men and women in public spaces.

On February 1, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the U.N. Commission on Human Rights (UNCHR) continued to recommend an extensive range of legal reform, additional resources, and affirmative government action to eliminate gender inequality. CEDAW noted with approval a bill reserving certain political offices for women.

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often is unable to enforce these laws, especially in rural areas in which traditions are deeply rooted. According to press reports, the rate of acquittal in dowry death cases is high, and because of court backlogs it takes 6 to 7 years on average to rule on such cases. In February 2000, CEDAW noted that "there is an urgent need to introduce comprehensive [legislative] reform to promote equality and the human rights of women."

Prostitution is common, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom are children. Many indigenous tribal women are forced into sexual exploitation (see Section 6.c.). In recent years, prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see Section 6.f.).

In 1999 according to NCRB statistics, there were 8,858 cases of sexual harassment. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession, and asked universities to establish

complaint committees without delay. The Commission suggested the creation of a telephone hotline for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. In May the National Commission for Women proposed a bill to prevent harassment of women at work. Such a bill has been drafted but not yet passed.

The law prohibits discrimination in the workplace, but enforcement is inadequate. In both rural and urban areas, women are paid less than men for doing the same job. Women experience economic discrimination in access to employment and credit, which acts as an impediment to women owning a business. The promotion of women to managerial positions within businesses often is slower than that of males. State governments have supported micro-credit programs for women that have begun to have an impact in many rural districts.

The personal status laws of the religious communities discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. Islamic law also allows a man to have up to four wives but prohibits polyandry. In February 2000, CEDAW noted that "steps have not been taken to reform the personal laws of different religious and ethnic groups, in consultation with them, so as to conform with the Convention. The Committee is concerned that the Government's policy of non-intervention perpetuates sexual stereotypes, son preference and discrimination against women." In August the Indian Divorce Amendment Act was passed, eliminating discriminatory treatment of Christian women with regard to divorce (see Section 2.c.).

The Hindu Succession Act provides equal inheritance rights for Hindu women, but married daughters seldom are given a share in parental property. Islamic law recognizes a woman's right of inheritance but specifies that a daughter's share only should be one-half that of a son.

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accord women little control over land use, retention, or sale. However, several exceptions exist, as in Ladakh and Meghalaya, where women may have several husbands and control the family inheritance.

Literacy rates for women are significantly lower than rates for men; the 2000 U.N. Development Program (UNDP) Report for India found that 38 percent of women were literate, compared with 66 percent of men.

Thousands of grassroots organizations work for social justice and the economic advancement of women, in addition to the National Commission for Women. The Government usually supports these efforts, despite strong resistance from traditionally privileged groups.

Children

The Government has not demonstrated a commitment to children's rights and welfare. The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. Of a primary school-age population of approximately 203 million, about 120 million children attend school. No significant sectors or groups actively are excluded from education, but children of wealthier families are more likely to attend school than those of poor families. According to a UNDP study conducted in 1993, the dropout rate from primary school was 34 percent. A significant gender gap exists in school attendance, particularly at the secondary level. According to UNICEF, 76.2 percent of all children 11 to 13 years are attending school.

The central Government spends approximately 5.9 percent of its overall budget on education. The state governments also spend part of their budgets on education, but no comprehensive figure of combined federal-state expenditure on education is available. In May Kul Chandra Gautam, the Deputy Director of UNICEF, stated during a meeting of regional senior government leaders, that the "human landscape in our region continues to be characterized by poverty, underdevelopment, discrimination, environmental degradation, social upheaval, conflict and natural disasters. All these factors have impact on social development and on survival, development and protection of children." In February 2000, the Committee on the Rights of the Child of the UNHRC expressed concern "at the prevailing poor situation in the state party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of textbooks and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and the poor, and children belonging to scheduled castes and tribes."

Child welfare organizations estimate that there are 500,000 street children nationwide living in abject poverty. A coalition of about 50 NGO's conducted a detailed survey in the Calcutta municipal area and identified

145,000 children who were not attending school. Not all of them were street children. The NGO's received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5- to 9-year-old children. The course work is intended to allow these children to enter mainstream schooling. By the end of 2000, 16,000 children had completed the transitional education course, and 5,000 were enrolled during the year. The program aimed to set up an additional 600 schools for the remaining 29,000 children by year's end. Approximately 500 teachers had been trained by year's end.

Medical care is free to all citizens; however, availability and quality are problems, particularly in rural areas.

Child abuse is prohibited specifically by law. The Government states that child abuse is not a significant problem; however, the Government has not released comprehensive statistics regarding child abuse.

Abuse of children in both public and private educational institutions is a problem. Schoolteachers often beat children. On June 30, a Calcutta court fined a nun of the Missionaries of Charity \$20 (1,000 Rs) for branding a 12-year-old girl with a hot knife in September 2000. The nun had branded the girl because she stole bread. On August 9, schoolchildren in Barpeta district were asked to participate in a statewide peace march organized by the Assam government. Young children were taken in a long procession during the midday heat and were provided insecticide-ridden food as refreshments. Three children died after consuming the food, and nearly 1,000 others became ill. The NHRC requested that the Assam Chief Secretary issue a detailed report on the incident and provide prompt medical treatment for the victims. At year's end, the investigation into the incident continued.

As part of its ongoing effort, the NHRC seeks to examine conditions in juvenile homes and recommend improvements. In 1999 the Commission issued directions to all state governments to report within 24 hours any instance of death or rape in such institutions. In March 1999, NHRC member Justice V.S. Malimath said that cases of abuse and torture of children confined to juvenile homes had been reported. In some cases, the Commission had acted to transfer oversight of homes to private voluntary organizations "after the (state) government failed to provide a healthy environment to children in these homes." In its February 2000 concluding observations regarding the country, the U.N. Committee on the Rights of the Child expressed concern about "numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials." The Committee also expressed concern "at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention (on the Rights of the Child), other existing international standards and the Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions."

The Child Marriage Restraint (Amendment) Act prohibits child marriage, a traditional practice in the northern part of the country. The act raised the age requirement for marriage for girls to 15 from 18 years, but the Government does not enforce it. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married by age 16. NCRB statistics show that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1999.

Child prostitution occurs in the cities, and there are an estimated 575,00 child prostitutes nationwide. According to an International Labor Organization (ILO) estimate, 15 percent of the country's estimated 2.3 million prostitutes are children. In February 2000 the U.N. Committee on the Rights of the Child expressed concern "about the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: Religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by security forces in areas of conflict, such as Jammu and Kashmir and the northeastern states; and trafficking and commercial exploitation, especially girls from neighboring countries, particularly Nepal. It is also concerned about the lack of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures."

Runaway children, especially in larger cities, are at high risk for sexually transmitted diseases and HIV. They often work 18- to 20-hour days, frequently in hazardous conditions (see Section 6.c.), and suffer sexual and mental abuse.

Trafficking in children for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

The buying and selling of children for adoption occurs. In April, police raided a child adoption racket in Andhra Pradesh. Nearly 200 children were rescued from several orphanages that were involved in the buying and selling of children for adoption.

The Union Ministry of Social Justice and Empowerment has set up a 24-hour "child help line" phone-in service for children in distress in nine cities. Run by NGO's with government funding, the child help line assists street children, orphans, destitute children, runaway children, and children suffering abuse and exploitation. During one 6-month period, the help lines received 25,000 calls, including 2,190 seeking medical assistance for children, 1,056 seeking shelter, 138 reporting missing children, and 125 reporting physical or sexual abuse of children.

Bonded and unbonded child labor continued to be a serious problem throughout the country (see Section 6.c. and 6.d.).

The traditional preference for male children continues. Although the law prohibits the use of amniocentesis and sonogram tests for sex determination, the Government does not enforce the law. The tests are misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurs. In the 12 years since the southern state of Maharashtra passed a law banning the use of such tests for sex determination, the state government only filed charges against only one doctor, who was acquitted. Human rights groups estimate that at least 10,000 cases of female infanticide occur yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still have high rates of female infanticide. In addition parents often give priority in health care and nutrition to male infants. Women's rights groups point out that the burden of providing girls with an adequate dowry is one factor that makes daughters less desirable. Although abetting or taking dowry theoretically is illegal under the Dowry Prohibition Act, it still is practiced widely.

Persons with Disabilities

According to regional NGO's, there are over 50 million disabled persons in the country. According to the Blind Foundation for India, there are more than 2 million blind children in the country, and only 5 percent of them receive an education. According to Javed Abidi of the National Center for Promotion of Employment for Disabled People (NCPEDP), the census taken during the year failed to include categories of disability, thus making an accurate estimate of the needs of persons with disabilities impossible. Neither law nor regulations require accessibility for persons with disabilities. With the adoption of the Persons with Disability Act, a nascent disabled rights movement slowly is raising public awareness of the rights of the disabled. Although the act provides equal rights to all persons with disabilities, advocacy organizations admit that its practical effects so far have been minimal in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. For example, government buildings, educational establishments, and public spaces in New Delhi have almost no provisions for wheelchair access. To a large degree, physical impediments still limit mobility, legislation prevents equality, and societal discrimination maintains the status quo of persons with disabilities.

The Disabled Division of the Ministry of Welfare had a budget of more than \$50 million (2.3 billion Rs) for the 2000-01 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivers rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of more than 400 districts, but services still are concentrated in urban areas. Moreover, the impact of government programs has been limited. Significant funding is provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. Each entity provides specific services or training, including producing aids and prosthetics, promoting disabled-oriented economic development activities, offering training to health-care professionals and vocational instructors concerning disabled-related issues, and providing comprehensive rehabilitation services to the rural disabled.

Additional minigrants are offered to NGO's that coordinate programs for the disabled to facilitate their physical, social, and psychological rehabilitation and integration into mainstream society. During 2000-01, \$13 million (585 million Rs) was available. However, only half of this amount was allocated due to funding restrictions placed on each providing organization and the small number of them that exist.

Two significant programs to benefit the disabled are the National Project to Integrate Mentally Retarded in Family and Community and the National Institute for the Multiple Disabilities. The first project, launched in six states in 1998, primarily focuses on children from the economically weaker sectors and promotes awareness concerning the mentally disabled, their problems, and their rights. The second is the Ministry of Welfare, which provides rehabilitation services to the disabled and is fostering greater awareness among communities throughout the country. As a result of the passage of the Persons with Disability Act, there is a Disabilities Commissioner who oversees implementation of the act and its protections for persons with disabilities. In addition, the NHRC formed a group of seven experts in August to identify issues affecting persons with disabilities, to review government policies, and to protect the rights of persons with disabilities.

According to the Persons with Disability Act, 3 percent of positions in government offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities. The act mandates that 5 percent of employees in both the private and public sector eventually should consist of persons with disabilities. However, a survey conducted in 1999 by the NCPEDP indicated that in the public sector the figure was 0.54 percent and in the private sector 0.28 percent. The Government provides special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled. However, implementation of these entitlements is not comprehensive. Although the Government has taken significant steps toward improving the plight of the disabled, its involvement has been insufficient. The majority of responsibility for caring for disabled persons still lies with family members and voluntary groups.

The NHRC continues to receive complaints relating to harassment, intolerance, and discrimination against the disabled. It is gathering information on such cases and forwarding assessments to concerned NGO's and government entities. However, this process is slow, and its effects so far have been minimal.

The NHRC continued its efforts to improve conditions in mental hospitals and enhance awareness of the rights of persons with mental illness during the year. In a 1999 report, the NHRC stated that conditions at many mental hospitals throughout the country are unsatisfactory.

In July the NHRC coordinated with the All India Institute of Medical Sciences (AIIMS) for a medical student who had lost his sight just prior to his final exams. AIIMS initially informed the student that he could not sit for exams; however, after the case was filed under the Disability Act, he was allowed to do so. AIIMS also formulated a system to deal with any future cases of a similar nature.

The NHRC continue to use old concepts of mental health care and essentially function as custodial rather than therapeutic institutions. Overcrowded and serving as "dumping grounds" for desperate relatives, some mental hospitals lack even basic amenities and have poor medical facilities. Persons with mental retardation and mental illnesses often are housed together, leading to physical abuse of persons with mental retardation. Patients generally are ill-fed, denied adequate medical attention, and kept in poorly-ventilated halls with poor sanitary conditions. Most of the private mental hospitals are run by Muslim organizations, but there are Hindu and Christian-run mental hospitals as well. In August when 26 inmates at a private Muslim mental hospital in Erwadi, Tamil Nadu, died in a fire, the victims were chained to their beds, which apparently was a common practice in many such private institutions. Following the fire, the government of Tamil Nadu ordered the closure of all unlicensed medical asylums in the state. Many of the inmates were moved to public mental hospitals. According to Tamil Nadu state officials, 3,500 persons are confined in 130 private mental hospitals. Press reports described horrific conditions in many mental hospitals elsewhere in the country, including one where inmates were chained in a row on a stone floor in an ill-lit room during the daytime.

In August 1999, the NHRC reported that it had assumed the management of mental hospitals in Ranchi, Bihar, Agra, Uttar Pradesh, and Gwalior, Madhya Pradesh, at the direction of the Supreme Court. In February 2000, NHRC Chairman Justice J.S. Verma asked chief ministers of all the states and administrators of all the union territories "to issue clear directions to the inspector generals of prisons to ensure that mentally ill persons are not kept in jail under any circumstances." However, there was little follow-up to the NHRC direction. In January, the NHRC wrote to the chief ministers of all states to ask them to abide by recommendations to remove all persons with mental illness from ordinary jails; however, by year's end, the directive had not been implemented.

Indigenous People

The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. They are in effect in Arunachal Pradesh, Nagaland, Manipur, and Mizoram, but not in Tripura, in which the tribal population has been reduced to 30 percent of the total population due to increased Bengali migration since partition. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders are allowed to own land in the tribal areas without approval from tribal authorities.

The last census conducted showed that 8.08 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. In 1998 the NHRC established a panel to investigate the condition of the country's 20 million denotified tribal people, the British colonial government labeled as belonging to criminal tribes. The colonial act listing these tribes was repealed in 1951, but the stigma remains and many of these tribal people still are discriminated against actively. During 2000, the panel prepared a report for the NHRC on their condition and advised the NHRC in other ways. In February 2000, the NHRC recommended that the Habitual Offenders Act,

aimed at the denotified and nomadic tribes, be repealed. At year's end, no action had been taken on this recommendation. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, have been forced into situations of economic and sexual exploitation (see Sections 6.c. and 6.f.); many come from tribes that were driven off the land by national park schemes. Special courts to hear complaints of atrocities committed against tribal people were to have been established under the Protection of Civil Rights Act, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often are ignored. Indigenous peoples suffer discrimination and harassment, have been deprived wrongly of their land, and have been subject to torture and to arbitrary arrest. There has been encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally have removed forest and mineral products. Moreover, persons from other backgrounds often usurp places reserved for members of tribes and lower castes in national educational institutions. Mob lynching, arson, and police atrocities against tribal people occur in many states (see Section 1.c.). According to a local NGO, in February police in Koel-Karo shot on a crowd of 4,000 tribals who had assembled to protest the state government's management of the Koel-Karo dam project and killed eight persons.

In the Andaman Islands in 1999, the local government implemented a policy of permitting development of the Jawara tribal area, which threatens the indigenous group's way of life. The construction of a road through the forest that is inhabited by this group and the encroachment of Indian settlers have affected negatively this indigenous group's cultural vitality, economic self-sufficiency, and physical and mental health. These integrative policies have been motivated partly by humanitarian concerns, although interest in commercial exploitation of virgin forests that are inhabited by tribal people is another strong factor behind these policies.

Such violations led to numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa, and the Bodo Movement in Assam, reflect deep economic and social grievances among indigenous peoples. In the Jharkhand area, tribal people complain that they have been relegated to unskilled mining jobs, have lost their forests to industrial construction, and have been displaced by development projects. During 2000, the Government introduced and Parliament passed legislation creating new, largely tribal-populated states from the Jharkhand area of Bihar and the Chhatisgarh region of Madhya Pradesh. The Chhatisgarh state came into existence in November 2000, and the Jharkhand state came into existence in the same month. The Jharkhand Adivasi Chhatra Sangh has called for "ulgulan" (mass awakening) to fight for the cause of the tribals and to demand a 60 percent reservation for tribals in jobs and education, despite the fact that Jharkhand's tribal population make up only 27 percent of the population.

There is some local autonomy for tribal people in the northeast. In Meghalaya tribal chiefs still wield influence in certain villages. The Nagaland government controls the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

Religious Minorities

The potential for renewed Hindu-Muslim violence remains considerable, and both sides committed human rights abuses during the year. Hindus and Muslims continue to feud over the construction of mosques several centuries ago on three sites where Hindus believe that temples stood previously.

In Maharashtra between March 9 and 11, Muslims reacted to the alleged burning of a Koran in New Delhi by going on strike and burning Hindu property, government vehicles, and a police station in Pune. The radical Muslim students Islamic Movement of India (SIMI) exacerbated tensions prior to the riots by posting inflammatory posters about the Koran burning. SIMI later was banned by the Government because of its alleged ties to al Qaeda and other terrorist organizations. This banning of SIMI in September triggered another riot in Uttar Pradesh that killed four persons in September. On March 21, in Punjab a Koran was burned and pig parts were thrown into a mosque by members of a Hindu group in an attempt to enrage Muslims. A few days of rioting ensued in the cities of Amritsar, Kanpur, and Baramulla followed, resulting in extensive property damage and several deaths. In October several days of Hindu-Muslim riots in Malegaon occurred after radical Muslims marched in support of Usama bin Laden at a political rally. At the rally, police opened fire on protesters after they allegedly became violent; 12 persons were killed, 7 of them protesters. The rioters caused significant amounts of damage and both Hindus and Muslims suffered property losses. In November an unofficial probe team criticized police handling of the communal violence in Malegaon and stated that rumors spread by political parties and communal organizations were responsible for the spread of the rioting.

Attacks by Muslim militants seeking to end Indian rule in Jammu and Kashmir, and continuing political violence, has driven almost 95 percent of Hindus in the Kashmir valley (Pandits) to seek refuge in camps in

Jammu, with relatives in New Delhi, or elsewhere, during recent years. Throughout the year, pan-Islamic militants continued to try to drive all non-Muslims out of Kashmir. Early in the year, eight Sikhs were killed, allegedly by an obscure militant group. On February 3, two gunmen killed as many as six Sikhs and wounded at least four others in Srinagar. The public viewed this attack as punishment by militants for the killing earlier in the week of a Muslim civilian, allegedly by Sikh policemen belonging to Kashmir's Special Operations Group; however, such allegations never were proved. The Government sent a four-member team to Kashmir to investigate the killings; however, no one had been charged at the end of the year. Sikhs protested the killings, which led to violent clashes with police. The February incident was the first attack against the Kashmir Valley's minority Sikh population since the March 2000 killing of 35 Sikh men in Chatti Singhpora. These mass killings in Kashmir, targeted against the Sikh community, increased fears that the remainder of Kashmir's beleaguered minorities may try or be forced to leave. There was an exodus of many from the Sikh community, particularly the young, during the year.

There was no reported progress regarding any investigation of the March 2000 killings of 35 Sikh men in the village of Chatti Singhpora, near Anantnag in south Kashmir.

During the year, in the temple town of Badrinath in Chamoli district, Uttar Pradesh, clashes reportedly occurred between Hindus and Jains over whether Jains should proceed with the installation in the building of the idol Shri Adinath, a principal Jain deity. Badrinath is a pilgrimage spot for Hindus.

On October 1, Kashmiri militants killed 25 employees and security officers and injured 50 others in an attack at the Kashmiri regional parliament. A spokesman for the terrorist group Jaish-e-Mohammad, based in Pakistan, claimed responsibility for the attack. On October 26, 30 persons, including 8 civilians, were killed and several others were injured in cross-border shootings after militants blew up a police jeep, killing 4 officers. In addition, the press reported that 6 civilians were killed by militants who forced their way into homes on October 26. In November Islamic militants ambushed a military patrol and killed seven soldiers in Kashmir (see Section 1.a.).

According to the Ministry of Home Affairs, about 51,000 Pandit families fled their homes in Jammu and Kashmir due to the violence in 2000. Of these, 4,674 families are living in refugee camps in Jammu, 235 families are in camps in New Delhi, and 18 families are in Chandigarh. The rest still are displaced, but many are living in Jammu and New Delhi. The Pandit community criticizes bleak physical, educational, and economic conditions in the camps and fears that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in Jammu and Kashmir as a culturally and historically distinctive group. In August 2000, the Jammu and Kashmir government adopted a proposal designed to facilitate the return of Pandits to the Kashmir valley and rehabilitation of the Pandits. However, various Pandit groups criticized the proposal for failing to address the political aspirations of Pandits, failing to provide economic guarantees, failing to provide adequate security for returning Pandits, and creating special economic zones that would aggravate communal tensions. The proposal was abandoned in 2000.

There were numerous attacks against Christian communities and Christian missionaries during the year. HRW, in its World Report 2001, has noted that attacks against Christians have increased significantly since the BJP came to power in March 1998. However, other NGO's have noted that Christians continue to be targets of violence and harassment by radical Hindu groups who accuse them of converting Hindus through bribes and coercion. They believe that Christians target economically disadvantaged Dalits and tribals, inducing them to convert with schools, hospitals, and other aid projects. An official inquiry by the National Commission for Minorities into the roughly 400 attacks on Christians between December 1998 and December 2000, found only random acts of unconnected violence, not a pattern of religiously motivated hate crimes.

In January in a village near Udaipur, Rajasthan, Bajrang Dal activists allegedly beat two Christian missionaries and their followers because they were watching a film on the life of Christ. Both missionaries were attempting to convert local tribal people. Also in January, according to HRW, a nun was killed in Tamil Nadu.

In late January, in the Sarguja district of Chhattisgarh, there was a mass reconversion of 360 tribals back to Hinduism, which was managed by a Sangh Parivar offshoot and attended by local Congress Party leaders and a BJP member of Parliament.

On March 26, a group of Hindus reportedly beat two members of an Indian evangelical team while travelling in Orissa.

In March in Orissa, Christian Archbishop Cheenath gave a speech objecting to an amendment to the Orissa Religious Freedom Act that he believed would make conversion more difficult. He said that fears of forced conversion were not credible. He noted that, although Christian schools have for generations educated a far larger percentage of Indians than there are Christians in the general population, Christians make up slightly less of the population today than they did in the 1991 census.

On July 21, a member of the All India Christian Council was attacked and beaten by members of the Vishwa Hindu Parishad. A few days earlier, staff members at the council also had been attacked by alleged VHP members. On October 29, 100 activists of a Hindu fundamentalist group attacked the Philadelphia Church in Tichakiya village and demolished it, according to a news reports. On November 30, newspapers reported that Muslim terrorist groups, including Al-Qaida, have targeted the Missionaries of Charity in Calcutta. Press reports stated that extremist groups have targeted the nuns because they receive economic aid from the United States to convert Muslims to Christianity. The fear of conversion of Hindus and Muslims by Christians was highlighted in a August 15 statement by Prime Minister Vajpayee. He stated that "There is a conversion motive behind the welfare activities being carried out by some Christian missionaries in the country's backward areas, and it is not proper, although conversion is permissible under the law."

During 2000 there were numerous attacks on Christians throughout the country, including a series of attacks in Uttar Pradesh in April 2000 and the bombing of a Christian meeting in Andkha Pradesh in May 2000. The Muslim extremist organization Deendar Anjuman was implicated in the bombing, several of its members were arrest and charged in connection with the incident, and the group was banned on May 3. In June 2000, Vijay Ekka, a witness in the killing earlier that month of a priest in Mathura, died in police custody. The NCM investigated the April 2000 incidents in Uttar Pradesh; it reported that the incidents were not religiously motivated. The report was widely criticized.

In January 1999, Australian missionary Graham Staines and his two young sons were killed by a mob shouting Hindu slogans in Manoharpur, Keonjhar district, Orissa. Police arrested Dara Singh in January 2000 and charged him with killing Staines and his two sons (see Section 2.c.); Singh also was charged with the killings of another Christian and a Muslim. Singh remained in custody and the charges against him and 14 others still were pending at year's end. In September 2000, a special court in Bhubaneswar, Orissa, convicted a 13-year-old boy of complicity in the killing of Staines and his two sons. He was sentenced to 14 years' imprisonment. The Wadhwa Commission established to investigate the Staines murders presented its findings in August 1999. The report concluded that Dara Singh masterminded the killing and effectively exonerated the Hindu organizations and political parties that had been accused of complicity. The NCM, other human rights groups, and some Christian groups criticized the Commission's findings as a coverup. The NCM separate inquiry found evidence suggesting that the Bajrang Dal was involved in the Staines' killings.

There were a number of church burnings and bombings in 2000; however, none were reported during the year.

Since 1998 there has been increased harassment of Christian aid workers. Many report having been hampered in their work through threats, bureaucratic obstacles, and, in some cases, physical attacks on their workers. Several Christian relief organizations have reported difficulty in obtaining visa renewal for foreign relief workers (see Sections 2.d. and 4).

The NHRC expressed its concern at the upsurge of violence against Christians in 2000, demanding that the Government announce the steps that it was taking to protect the Christian community. Speaking in Parliament in August 2000 on the series of church bombings in 2000, Home Minister L.K. Advani stated that "the Center, in consultation with the affected states, will take stern action against those found guilty of instigating attacks against Christians."

Other incidents affecting religious minorities during 2000 occurred in Tripura, at which Christian militants imposed bans on Hindu and Muslim festivals, and in Assam, in which Hindu concern over the continued influx of illegal Muslim immigrants from Bangladesh grew (see Section 2.c.).

The practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as "servants of God" (also known as Devadasis), is reported by HRW to continue in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are Dalits, may not marry. They are taken from their families and are required to provide sexual services to priests and high caste Hindus (see Section 6.c.). Reportedly, many eventually are sold to urban brothels. In 1992 the Karnataka state passed the Karnataka Devadasi (Prohibition) Act and called for the rehabilitation of Devadasis, but this law suffers from a lack of enforcement and criminalizes the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped.

National/Racial/Ethnic Minorities

The country's caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each caste--and frequently each subcaste--are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) are viewed by many Hindus

as separate from or "below" the caste system; nonetheless, they too are expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remains widespread.

The practice of untouchability along with tribal people, occupy the lowest strata of the caste system) was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. Untouchability refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits are considered unclean by higher caste Hindus and thus traditionally are relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits work as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers are Dalits (see Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (see Section 6.e.), and face continuing and severe social ostracism. According to HRW, "Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education." In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and about 50 percent of parliamentary seats. NGO's report that crimes committed by higher caste Hindus against Dalits often go unpunished, either because the authorities do not prosecute vigorously such cases or because the crimes are unreported by the victims, who fear retaliation. In recent years, groups—including some that use violence—have organized to protect Dalit rights.

A survey conducted during the first half of the year by the Protection of Civil Rights wing of the Tamil Nadu Adidraavidar (indigenous peoples) Department identified 191 villages in Tamil Nadu where caste-based oppression and violence, and the practice of untouchability, are prevalent. Several human rights groups, however, believe that this number is too low. Human rights groups allege that in many Tamil Nadu villages, scheduled castes are not allowed to participate in local festivals, own houses or property in upper caste areas, share upper caste burial grounds, or draw water from public wells in upper-caste neighborhoods. The erection of statues of Dalit heroes or of the flags of Dalit parties in public places often becomes the cause of inter-caste tension. In several village teashops, Dalits are served beverages in separate cups (the so called two-tumbler system).

In July Salem Sessions Court of Tamil Nadu sentenced 17 persons to life imprisonment in a case relating to the killing of six Dalits, including the president of Melalvalavu Panchayat (local authority), in 1997. The murder was the result of a longstanding feud between Dalits and a dominant peasant caste, exacerbated by the Panchayat elections of 1996. According to press reports, some members of the higher caste disagreed with the State Election Commission's decision to reserve the Melalvalavu Panchayat presidency for Dalits, and forcibly closed the Panchayat office for several days. When the president and his associates filed a complaint with the district authorities about the incident, they were hacked to death.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal people (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes are entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they are designed to benefit is a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent, and scheduled tribes were 8 percent of the country's 1991 population of 846 million. Christians historically have rejected the concept of caste. However, because many Christians descended from low caste Hindu families, many continue to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs are reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders. However, this act has had only a modest effect in curbing abuse. Under the Act, 996 cases were filed in Tamil Nadu and 1,254 cases in Karnataka in 2000. Human rights NGO's allege that caste violence is on the increase.

Intercaste violence claims hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh. In June in Bhojpur, Bihar, four Dalits were attacked by an upper-caste mob on suspicion of stealing a rifle from a wealthy farmer of a higher caste.

Social pressures to enforce rigid caste lines in all social settings can lead to extraordinary episodes of vigilante retribution. In Uttar Pradesh on August 6, a young couple, a Brahmin boy and a Jat (lower caste) girl, were

hanged publicly by their own families in front of most of the village as punishment for refusing to break off a cross-caste relationship. While much more rare in urban settings, such extreme examples of intolerance occur regularly in rural parts of the country.

Complicated social and ethnic divisions in society can create severe localized discrimination. For example, the Pardhis, a small former itinerant community in Maharashtra, face discrimination at the hands of the police and the rest of rural society in the area in which they live. In the small town of Kalamb in northern Maharashtra, the police arrested nine members of the Pardhi community as suspects in a robbery case on August 28. When the Pardhi community held a protest march on August 29, a mob burned 50 Pardhi homes. Due to sustained pressure from state human rights activists and the local media, the police filed cases against the several persons. The local media, however, frequently is biased against minorities in Maharashtra, and continued to report that the Pardhi community burned its own dwellings to qualify for government compensation.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association and the Government generally respected this right in practice. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons make up the country's active work force. Some 30 million of these workers are employed in the formal sector. The rest overwhelmingly are agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represent agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members are part of the 30 million member formal sector. Of these 13 to 15 million unionized workers, some 80 percent are members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals are affiliated to a greater or lesser extent with particular political parties. Central unions have stressed their independence and in some cases are attempting to sever previously tight party control. On April 25, several trade unions organized a one-day strike in Maharashtra to protest the state government's attempts to bring about labor law reforms, which they felt would adversely affect them.

Trade unions often exercise the right to strike, but public sector unions are required to give at least 14 days' notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act. However, the essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in 1999 banning strikes in essential services, including transport services, milk supply services, the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions. This prohibition is observed in practice.

The Kerala High Court declared that all general strikes (bandhs) were illegal and all organizers of protests would be liable for losses caused by shutdowns. The Supreme Court upheld the verdict drawing attention to the difference between a complete shutdown of all activities (bandh) and a general strike (hartal). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings also have declared strikes illegal and have made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, as of May there had been 23 strikes and lockouts throughout the country, involving 21,572 workers. In all, 241,187 person-days were lost due to strikes and 50,154 "person-days" were lost due to lockouts during this period. For example, in April workers in a majority of industrial units located in Mumbai and neighboring regions of Maharashtra went on a 1-day strike to protest the Government's economic liberalization policies. During the year, 7,000 workers at the government-owned Bharat Aluminium Company went on a 67-day strike to protest the sale of the company to a private entrepreneur. The strike ultimately was called off following an agreement reached between the private entrepreneur and the workers after the Supreme Court intervened. The Industrial Disputes Act prohibits retaliation against strikers, provided that the strike is legal.

When abuses, such as intimidation or suppression of legitimate trade union activities, are perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally respond by prosecuting and punishing those persons responsible. Unaffiliated unions are not able, in all instances, to secure for themselves the protections and rights provided by law.

In June 2000, the Government announced its intention to modify the Trade Union Act. The Government convened the Indian Labor Conference, which brought together government and trade union representatives to discuss modification of the Trade Union Act, but the conference took no substantive action on the act and it remained unchanged at year's end.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions (ICFTU), and the All India Trade Union Congress is affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively has existed for decades. The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defend worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there are long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them.

In practice legal protections of worker rights are effective only for the 30 million workers in the organized industrial sector, out of a total work force of more than 400 million persons. Outside the modern industrial sector, laws are difficult to enforce. Union membership is rare in the informal sector, and collective bargaining does not exist.

There are seven Export Processing Zones (EPZ's). Entry into the EPZ's ordinarily is limited to employees. Such entry restrictions apply to union organizers. All companies bus their workers directly to and from the factory. While workers in the EPZ's have the right to organize and to bargain collectively, union activity is rare. In addition unions have not pursued vigorously efforts to organize private-sector employees in the years since EPZ's were established. Women constitute the majority of the work force in the EPZ's. The ICFTU reports that overtime is compulsory in the EPZ's, that workers often are employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers fear that complaints about substandard working conditions would result in their being fired. In June 2000, the Government announced its intention to establish special economic zones patterned on the Chinese model, and on November 1, 2000, four out of seven existing EPZ's were converted without significant opposition. These zones are not exempt from labor legislation.

c. Prohibition of Forced or Compulsory Labor

Both the Constitution and specific statutes prohibit forced or compulsory labor, and bonded labor, as a form of compulsory labor, also is prohibited by statute; however, such practices are widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions are rare. Enforcement of this statute, which is the responsibility of state and local governments, varies from state to state and generally has not been effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level have overwhelming case loads, and in many cases, do not receive adequate support or protection to challenge employers, who often have direct access to government officials. On the occasions when inspectors refer violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently result in acquittals. NGO's estimate that there are 5 to 40 million bonded laborers in the country, including a large number of children (see Section 6.d.). According to HRW, the majority of bonded laborers are Dalits (see Section 5), and bondage is passed from one generation to the next.

A Supreme Court decision defined forced labor as work at less than the minimum wage, which usually is set by the state governments. Under this definition, which differs from that of the ILO, forced labor is widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, is illegal but widespread. The Government estimates that between enactment of the Bonded (Abolition) Act in 1976 and March, 280,411 bonded workers were released from their obligations. Other sources maintain that those released constituted only one-twentieth of the total number of bonded laborers. State governments provide a sum of money to workers freed from

bondage for their rehabilitation. The NHRC has formed a high-level Central Action Group, which routinely reviews compliance with the Bonded Labor System Act. The NHRC also has appointed a special rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition, the NHRC instituted a system for receiving regular reports on bonded labor from the states. The NHRC also assessed the bonded labor problem, identifying state districts in which it especially is acute. It identified and evaluated NGO's working in these areas and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. Some press reports indicate that Tamil Nadu alone has an estimated 25,800 bonded laborers, in response to which the state government began implementing and continues to work on rehabilitation plans. In 1999 alone, it allocated \$1.25 million (54.4 million Rs) for these plans. According to the Union Ministry of Labor Statistics, from 1976 to March 31, 2000, the Tamil Nadu government identified and released 63,894 bonded laborers. Government officials worked to release other bonded laborers in many of the country's states. In August the Tamil Nadu based Society for Community Organization secured the release of 20 children aged between 9 and 18 years from bondage from three different locations in the state of Andhra Pradesh. The children had been sold to private slave traders. In West Bengal, organized traffic in illegal Bangladeshi immigrants is a source of bonded labor (see Section 6.f.).

The working conditions of domestic servants and children in the workplace often amount to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, have no choice in the matter. There are no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claim that they are unable to stop this practice because the children are working with their parents' consent. In addition there is a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries expose children to particularly hazardous work conditions (see Section 6.d.). In its first attempt to address the issue of domestic child labor, during 2000 the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law are subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment), and also to disciplinary action at the workplace.

Bonded child labor in silk twining factories in and around the town of Magadi is a problem. The labor has commissioner estimated that there are 3,000 bonded child laborers in the Magadi silk twining factories. In response UNICEF has started a non formal education program for the estimated 3,000 bonded child laborers working in the industry. By late 2000, approximately 260 children had been enrolled. In addition UNICEF began a micro-credit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

In Punjab persons routinely are sold in an organized trade in weekend bazaars for the purposes of forced domestic labor and forced sexual service.

In December 1999, the domestic media reported that child laborers were being sold in an organized ring at the annual Sonepur cattle fair in Bihar. According to these reports, children from impoverished families in surrounding districts are brought to the fair and sold. One reporter talked to a buyer, a shopkeeper, who paid \$21 (900 Rs) for a 12-year-old child. Persons sometimes are sold into virtual slavery (see Sections 5 and 6.f.).

NGO's such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of prostitution are widespread problems (see Section 6.f.). According to press reports, prison officials have used prisoners as domestic servants and sold female prisoners to brothels (see Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as "servants of God," are taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Government prohibits forced and bonded child labor but does not enforce this prohibition effectively and forced child labor is a problem. Article 24 of the Constitution and the Child Labor (Prohibition and Regulation) Act are the principal protections against the exploitation of children in the workplace. Provisions for the protection of children in the workplace also are made in the Beedi and Cigar Workers (Condition of Employment) Act, the Factories Act, the Mines Act, the Motor Transport Workers Act, the Plantations Labor Act, and the Minimum Wages Act.

The Government continued its plan to eliminate child labor from hazardous industries and eventually from all industries, but it did not repeat the previous government's pledge to accomplish the former by 2000 and the second by 2010. This program, for which approximately \$56.69 million (2.64 billion Rs) has been budgeted since 1992, includes the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas which child labor is concentrated, and a public awareness campaign. The Government continued efforts initiated in 1987 to enhance enforcement of the Child Labor (Prohibition and Regulation) Act and other laws prohibiting and regulating child labor.

Work by children under 14 years of age is barred completely in "hazardous industries," which includes among other things, passenger, goods, and mail transport by railway. In 1999 the Government added 6 occupations and 33 processes to the list of occupations and processes in which children are barred from working by the Child Labor (Prohibition and Regulation) Act. The additions brought the totals to 13 occupations and 51 processes in which children are prohibited from working under the act. Child labor is prohibited in certain hazardous industries where there are specific age limits for specific jobs; however, there is no overall minimum age for child labor.

In addition to industries that utilize forced or indentured child labor (see Section 6.c.), there is evidence that child labor is used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

The enforcement of child labor laws is the responsibility of the state governments. Enforcement is inadequate, especially in the informal sector in which most children who work are employed. The continuing prevalence of child labor is attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and ineffective state and federal government enforcement of existing laws. In occupations and processes in which child labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day's rest weekly.

The Government established the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools and other forms of assistance. In addition government programs assist working children in rural development, women and children's development, health, and adult job creation programs. As of December 2000, the NCLP had 96 projects in 13 states. From April 2000 to December 31, 2005, 205,800 children participated in the NCLP. During their participation in the NCLP, the children's families are given a small stipend--usually \$2.15 to \$4.30 (100 to 200 Rs) per month.

Nevertheless government efforts to eliminate child labor have affected only a small fraction of children in the workplace. A Supreme Court decision increased penalties for employers of children in hazardous industries to \$430 (20,000 Rs) per child employed and established a welfare fund for formerly employed children. The Government is required to find employment for an adult member of the child's family or pay \$108 (5,000 Rs) to the family instead. According to the South Asian Coalition on Child Servitude (SACCS), authorities are pursuing some 6,000 cases against employers. The Supreme Court ruling also has helped make local government officials more aware of the prohibitions against child labor in hazardous industries. This in some cases has helped improve cooperation between local officials and NGO's like SACCS that are removing children from hazardous workplaces. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGO's have worked with the state government to establish a task force for the elimination of child labor. In Bhadohi district, Uttar Pradesh, SACCS and local law enforcement officials released 11 child laborers from work on looms for the production of hand-knotted carpets and initiated legal proceedings against the employer. During 2000, SACCS helped release approximately 135 child laborers in Bhadohi district alone. Since 1999 SACCS has freed over 34,000 children from the work force; it also operates an education and training center for children in New Delhi. In 1999 and 2000, SACCS freed 541 child laborers throughout the country through raids with law enforcement authorities on illegal workplaces. SACCS's intervention with parents resulted in the release of an additional 2,758 children, and its referral of cases to law enforcement agencies resulted in the release of 3,994 more child laborers over the same period. In many cases, charges were brought against the employers under the Child Labor (Prohibition and Regulation) Act. According to the Tamil Nadu Labor Department, 155 child laborers were freed from illegal workplaces between April and October 1999, out of the 10,118 child laborers identified in 2 surveys carried out in the state in 1997. State labor officials acknowledged that many more child laborers exist in the state.

Estimates of the number of child laborers range widely. The Government census of 1991 puts the number of child workers at 11.28 million. The ILO estimates the number at 44 million, while NGO's state that the figure is 55 million. Most, if not all, of the 87 million children not in school do housework, work on family farms, work alongside their parents as paid agricultural laborers, work as domestic servants, or otherwise are employed.

Employers in some industries also have taken steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi governmental organization that receives funding from the Ministry of Textiles, has a

membership of 2,500 exporters who have subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducts inspections to insure compliance, and allows members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which is a private initiative, operates a similar voluntary label scheme. Rugmark has 228 exporter members who buy carpets from the 28,118 looms registered with Rugmark. However, the CEPC states that even with the program it is impossible to ensure that a carpet has been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private-sector research and consulting firm conducts the inspections, which cover only 10 percent of registered looms. The inspectors have difficulty locating unregistered looms. The Government also cooperates with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor. The Government participates in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children have been removed from work and have received education and stipends through IPEC programs since they began in the country in 1992.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The directive principles of the Constitution declare that "the State shall endeavor to secure...to all workers...a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities." Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally are observed in industries subject to the Factories Act but largely are unenforced elsewhere and do not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages vary according to the state and to the sector of industry. Such wages provide only a minimal standard of living for a worker and are inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act receive more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but do not enforce it effectively. Some industries, such as the apparel and footwear industries, do not have a prescribed minimum wage in any of the states in which such industries operate.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally are enforced and accepted in the modern industrial sector, but tend not to be observed in older and less economically robust industries. State governments are responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors' limited training and susceptibility to bribery result in lax enforcement.

The enforcement of safety and health standards also is poor. Although occupational safety and health measures vary widely, in general state and central government resources for inspection and enforcement of standards are adequate. However, as awareness grows, the courts have begun to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries are the most prone to accidents. According to the Director General of Mines' safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines are to be bulldozed and reforested. These rules seldom are obeyed, if ever. According to the Government, during the period from April to September 2000, 90 persons were killed in mining accidents. In February the collapse of a mine wall led to the death of more than 30 miners. An investigation into the cause of the disaster began during the year. Illegal mining is rampant. Oswal Fertilizer Ltd.'s (OFL) Diamonium Phosphate fertilizer plant at Paradip, Orissa, began operations in May 2000. Eleven workers died during the plant's construction; an additional 6 persons were killed and 51 others were injured in a series of accidents at the plant between May and September 2000. None of the workers were using safety equipment. Seven criminal cases have been brought against OFL in connection with the accidents.

Safety conditions tend to be better in the EPZ's.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

Legal foreign workers are protected under the law; however, illegal foreign workers have no protection.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons is a serious problem. NGO's allege that corruption at the enforcement level helps to perpetuate the problem. The country is a significant source, transit point, and destination for numerous trafficked persons, primarily for the purposes of prostitution and forced labor. The country is a destination country for Nepali and Bangladeshi women and girls trafficked for the purpose of labor and prostitution. Internal trafficking of women and children is widespread. To a lesser extent, India is a country of origin for women and children trafficked to other countries in Asia, the Middle East, and the West. The country serves as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan, and for boys trafficked to the Gulf States to work as camel jockeys.

Over 2.3 million girls and women are believed to be working in the sex industry against their will within the country at any given time, and more than 200,000 persons are believed to be trafficked into, within, or through the country annually. Women's rights organizations and NGO's estimate that more than 12,000 and perhaps as many as 50,000 women and children are trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes are children, while the U.N. reports that an estimated 40 percent are below 18 years of age. Many tribal women are forced into sexual exploitation. The Situation Report India (DWCD) 1998 estimated that 61 percent of commercial sex workers in India belong to lower castes or are refugees or illegal migrants. Trafficking in, to, and through the country largely is controlled by organized crime.

There is a growing pattern of trafficking in child prostitutes from Nepal. According to one estimate, 5,000 to 10,000 children, mostly between the ages of 10 and 18, are drawn or forced into this traffic annually. Girls as young as 7 years of age are trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of India to the major prostitution centers of Mumbai, Calcutta, and New Delhi. There are approximately 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta. In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half are from Nepal. A similar profile is believed to exist among female sex workers in Calcutta, although the vast majority of women who are trafficked there come from Bangladesh, as opposed to Nepal. NGO's in the region estimate that about 6,000 to 10,000 girls are trafficked annually from Nepal to Indian brothels, and that a similar number are trafficked from Bangladesh.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants is a source of bonded labor. In June 2000, police in Krishnagar, West Bengal, detained 8 Bangladeshi women and 14 children transiting the district by bus. Agents allegedly smuggled the group from Jessore, Bangladesh, across the border at Bongaon by offering them employment in Mumbai. Calcutta is a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes are sold into virtual slavery.

Within the country, women from economically depressed areas often move into the cities seeking greater economic opportunities, and once there are victimized by traffickers who force or coerce them into the sex trade. However, in some cases family members sell young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age are purchased from their parents and adopted by persons who train them for the sex trade through the use of pornographic materials, and then sell them into the sex trade when they are 7 to 12 years old.

The northeastern states of Meghalaya, Manipur, and Tripura are source areas for internally trafficked women and girls. West Bengal is a source for women and girls trafficked to Mumbai, Delhi, Uttar Pradesh, and Punjab for the commercial sex trade. The women involved in Mumbai's sex trade are mainly from Karnataka, rural Maharashtra, Tamil Nadu, Orissa, Bangladesh, and Nepal.

Many indigenous tribal women are forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many come from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes are sold in an organized trade in weekend bazaars, ostensibly as farm labor; many instead are purchased for the purposes of forced sexual service.

In December 1999, the media reported that an organized ring was selling children from surrounding areas for labor at the annual Sonepur cattle fair in Bihar. There was a report that a 12-year-old child was purchased for \$21 (900 Rs). In July 2000, a Mangalore, Karnataka-based NGO reported that tribal children were being auctioned in the Dakshina-Kanara district of the state primarily for use as domestic servants. The Karnataka Department of Social Welfare initiated an investigation, which it completed in 2000 (see Sections 5 and 6.c.). It

found that the children were not being auctioned, but that better-off families in the district were employing many of them as domestic servants. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

The number of women being trafficked out of the country to other countries is comparatively low. In July 2000, authorities cooperated with U.S. investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas--ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old.

Many boys, some of whom are as young as age 4, are trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates), and end up as camel jockeys in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. It is estimated that there are anywhere from 100 to over 1,000 underage South Asian camel jockeys (from Pakistan, India, and Bangladesh) working in the United Arab Emirates alone. Criminal gangs procure most of the youths. The majority of such children work with the knowledge of their parents, who receive as much as \$200 (9,300 Rs) for their child's labor, although a significant minority simply are kidnaped. The gangs bringing the jockeys earn approximately \$150 (6,975 Rs) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States is to have their names added to the passport of a Bangladeshi or Indian woman who already has a visa for the Gulf; the children fraudulently are claimed to be her children. Girls and women are trafficked to the Persian Gulf States to work as domestic workers or sex workers.

The National Commission for Women reported that organized crime plays a significant role in the country's sex trafficking trade, and that women and children who are trafficked frequently are subjected to extortion, beatings, and rape. How women are trafficked varies widely: some are abducted forcibly or drugged, while others are made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contribute to the trafficking problem, although organized crime is a common element in all trafficking incidents, as is police corruption and collusion.

Trafficking in women and children is a dynamic process. It may start with consent and later become a matter of force and deception, or the victim may be kidnaped. Deception, misrepresentation, exploitation, force, coercion, and abuse of authority are often used as a means for trafficking. The popular view is that kidnaping is common. However, studies indicate that neither traffickers nor the recruiters are interested in kidnaping. They prefer to negotiate with guardians by offering false job or marriage proposals, which is relatively easy and low risk.

In some cases former sex workers and brothel owners act as procurers or work through contacts in village to dazzle impoverished villagers with their wealth in order to entice women into the business. They help needy families with money (as an advance in salary), taking the victims as surety. Most transactions are carried out with the complicity of family member or neighbor, and at times the parents who know the true intent but feign ignorance. In transshipment, they are handed over by procurers, brokers, and intermediaries usually not known to authorities as ones with criminal records.

NGO's allege that ignorance of trafficking, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuate the problem. Although the police are charged with enforcing the country's laws on prostitution and trafficking in women and children, NGO's, observers, and sex workers uniformly view police actions as part of the problem. Sex workers in Mumbai and Calcutta claim that harassment, extortion, and occasional arrests on soliciting charges usually characterize police intervention. The police seldom are seen as a positive force that addresses the violence of pimps and traffickers while protecting underage girls from bonded sex labor. A commonly held view among sex workers and NGO's is that local police and politicians responsible for the redlight areas receive bribes from organized crime networks to protect the lucrative sex trade.

Victims of trafficking are subject to threats including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution and deportation. Most victims of trafficking do not possess identity documents. Once removed from their communities to an area dominated by a different culture and a different language or dialect, it is difficult for victims of trafficking to find their way back home, where they may face social ostracism.

The penalty for traffickers is prescribed by the ITPA. If the offense had been committed against a child (below

16 years), the punishment is imprisonment for 7 years to life. If the victim is a minor (16 to 18 years), the punishment is from 7 to 14 years. Other penalties under the act range from minimum terms of imprisonment of 1 year for brothel-keeping, to minimum terms of 7 years to life imprisonment for detaining a person, with or without consent, for prostitution.

The Prevention of Immoral Trafficking Act (PITA), supplemented by the Penal Code, prohibits trafficking in human beings and contains severe penalties for violations. The Constitution also prohibits trafficking in persons. The PITA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The PITA requires police to use only female police officers to interrogate girls rescued from brothels. The PITA also requires the Government to provide protection and rehabilitation for these rescued girls. In addition, under the PITA prostitution is not a crime; the PITA criminalizes only solicitation or engaging in sex acts in or near a public place. Some NGO's note that this ambiguity, which was intended to protect trafficking victims, instead has been exploited to protect the sex industry.

However, the country's prostitution and trafficking laws are imposed selectively by police; clients and organizers of the sex trade tend not to be penalized, while prostitutes found soliciting or practicing their trade in or near (200 meters) public places are penalized. Due to the selective implementation the "rescue" of sex workers from brothels often leads to their revictimization. Using the PITA's provisions against soliciting or engaging in sexual acts, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. Clients of prostitutes, by comparison, largely are immune from any law enforcement threat, as clients have committed a crime only if they have engaged in a sex act with a sex worker in a public place or have had sex with a girl under the age of 16 years (statutory rape). Therefore, although the intention of the PITA was to increase enforcement efforts against the traffickers, pimps, and border operators, the opposite is the reality; a Calcutta NGO reports that on average, approximately 80 to 90 percent of the arrests made under the PITA in West Bengal state in the 1990's were of female sex workers. Only a small fraction of arrests made under the PITA involve traffickers. Implementation of the PITA's provisions for protection and rehabilitation of women and children who are rescued from the sex trade is extremely poor. NGO's familiar with the legal history of prostitution and trafficking laws regard the failure of the judiciary to recognize this inequity in the law's implementation as a continuing "blind spot." Over the last several years, arrests and prosecutions under the PITA have remained relatively static, while all indications suggest a growing level of trafficking into and within the country.

The Government is proposing amendments to the PITA to increase penalties for traffickers and to decriminalize the actions of sex workers. NGO's also have demanded that special PITA courts for speedy resolution of cases allow videotaped testimony so that underage victims need not be summoned back for trial.

Social welfare agencies of the central and state governments recognize that trafficking is widespread, but most are underfunded and typically are unable to implement antitrafficking plans effectively. The NGO community has taken the lead on prevention, protection, and prosecution of trafficking and has a mixed record in securing the cooperation of the state and local police. An NGO helped to rescue 153 children from brothels of New Delhi's redlight district between June and September.

There are roughly 80 NGO's in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade.

A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGO's, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

NGO's and others allege that when police take action against brothels suspected of enslaving minors, the resulting police raids often are planned poorly and seldom are coordinated with NGO's or government social agencies. NGO's claim that without advance notice of police raids on brothels, they are not able to lend valuable assistance in identifying and interviewing underage victims. Moreover, police do not seek advice or assistance from NGO's in planning law enforcement action to protect the victims during raids. Therefore, the police action often worsens the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from brothels are treated as criminals and often are abused sexually by their police rescuers or by the staff of government remand centers, where they are housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owed by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt. In April in West Bengal remand home for destitute women, two girls attempted suicide following sexual torture by another inmate. In August another inmate tested positive for pregnancy, and it was discovered that the janitor was the inmates' baby's father. In June 2000, 14 underage rescued sex workers fled the government shelter in Mumbai, citing poor conditions and "inhuman treatment." In August 2000, the Mumbai

High Court instructed the Maharashtra government to improve conditions in its rescue homes.

Some NGO's are very knowledgeable about the trafficking situation in the brothel areas such as Kamathipura, and can identify traffickers and the locations of girls being held captive by brothel owners. However, most of these NGO's are reluctant to trust the police with this information due to the past conduct of police in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Cooperation among NGO's in sharing information and assessing the magnitude and scope of the trafficking problem in Mumbai has not been significant to date, although it continues to improve. Some Mumbai NGO's have worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The NGO Prerana, which has been working closely with government officials, is an example. During 2000 a Prerana pilot program trained employees of a large Maharashtra government enterprise to identify and assist trafficking victims during their daily bus commute; Prerana also has enlisted the assistance of state police, who help train the workers. Conversely, other NGO's working to rescue trafficked women and girls from forced sexual exploitation report that complaint-based police rescues are quite effective. These are focused attempts to rescue a small number of women and girls using specific information about the victims locations, names and appearances, information; police responses in such cases frequently have resulted in the rescue of the women and girls involved.

Similar efforts to improve NGO coordination are being made in Calcutta, where 10 NGO's meet monthly as part of the Action Against Trafficking and Sexual Exploitation of Children (AATSEC) forum. Every 3 months the group attempts to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGO's such as Sanlaap also are seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap has built stronger working relationships with police and other law enforcement officials in Calcutta. It has organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars have helped sensitize police to the fact that many of the sex workers are the victims of organized traffickers. Sanlaap is usually the first organization Calcutta police turn to when they have rescued a trafficked sex worker. The NGO has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims are housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and has convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home. Training and informational meetings have taken place under the AATSEC forum, which works with groups in Nepal and Bangladesh. The NHRC asked the committee that oversees the Hajj (pilgrimage) to require individual passports for children instead of allowing them to be included on that of their escort, in order to reduce trafficking of children. NHRC also advised the Government of West Bengal to make efforts to educate Muslims about child trafficking.